

The clerks of Edinburgh were, soon after this, turned out; and Sir James Rocheid reponed, as mentioned *infra*, 22d January 1686.

*Vol. I. Page 384.*

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1685. December 17. BORTHWICK'S WIFE *against* Her HUSBAND.

DOCTOR Borthwick's wife having obtained an aliment from him *ob ejus sævitiam*, he presents a bill of suspension, that the modification was more than his small fortune could allow; which seems a very rational defence.

*Vol. I. Page 386.*

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1685. December 18. JOHN FLEMING *against* WILLIAM BECK.

JOHN Fleming, baxter, pursues William Beck, merchant, in a reduction *ex capite inhibitionis*. ALLEGED,—The ground of the debt whereon the inhibition was served, is paid; in so far as he arrested the mails and duties of the debtor's lands, and took a decret for making forthcoming, and so must count for the whole, even as a compriser entering once into possession is bound to count for the whole, and to do diligence, or else show an impediment that hindered him; as was found 14th January 1681, *Shaw against Muire*.

The Lords, on Tarbet's report, repelled the defence on the decret of making forthcoming obtained by the pursuer, unless the defender will allege that he actually intromitted; but ordained the pursuer to grant assignation to that decret, in respect of his offer to do the same.

*Vol. I. Page 386.*

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1685. December 19. The DUCHESS of LAUDERDALE *against* SIR WILLIAM SHARP of STONYHILL.

THE Duchess of Lauderdale gives in a bill against Sir William Sharp of Stonyhill, in regard of his sickness, craving he might be examined anent the having sundry papers belonging to the deceased Duke of Lauderdale, her husband, and consequently to her as deriving right from him, relating to the lands he had disposed to her, or to that apprising of Anderson of Hills, with which this Earl of Lauderdale clothed himself against the Duchess, that she might try if it was paid or not; and my Lord Kemnay was appointed to go and examine him.

Before advising his oath, Sir William Sharp died; but the Lords, on the Duchess's application, on the 29th January 1686, granted a sequestration of all