

—————, their son; and the father having recovered a decret *cognitionis causa*, and died before extracting, the son extracted the decret in his own name, without transferring the process; and thereupon adjudged. The Lords sustained the diligence against other creditors competing.

Page 80, No. 328.

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1687. July. CATHARINE GORDON *against* Her STEP-DAUGHTER.

A FATHER'S disposition of lands to his daughter found a tacit revocation of an anterior additional jointure provided to his wife, *stante matrimonio*, out of these lands. *Vide* No. 885, [Sir Alexander Falconer *against* Barbary Jeffrey, Sir John Falconer's relict; February 1687.]

Page 99, No. 384.

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1687. July. ROBERT OAR *against* The BAILIE of DUNSE.

IN a subsidiary action against a bailie of Dunse, for refusing, upon a charge, to receive a prisoner;—it was alleged for the defender, That he was but a magistrate of a burgh of barony that was not obliged to receive prisoners; 2. The prison was a-helping at the time; and the creditor took a bond of presentation from the rebel, to enter himself prisoner at Edinburgh; and, though he failed to do so, the defender is willing to present him *cum omni causa*. The Lords sustained the second defence to liberate the bailie.

Page 193, No. 681.

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1687. July. CRICHY GRAY *against* POLLOCK MAXWELL.

IN the foresaid cause betwixt Gray of Crichtie and Pollock Maxwell, No. 924, [Pollock Maxwell, &c. *against* Gray of Crichtie, February 1687,] a new execution being produced, with a full designation of Hugh Wallace, and the same being also quarrelled as null, for that it was not stamped;—it was alleged for the pursuer, That stamping is in desuetude; but, if that be found necessary, the messenger will yet stamp it, the first execution being truly stamped. The Lords allowed the execution to be stamped, the messenger deponing that the first execution was stamped.

In this cause the Lords found, That actions to the behoof of the king's donatars ought to be inrolled conform to the Act of Parliament. The like was found in Brodie of Lethem's cause.

Page 261, No. 927.

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1687. July. BAILIE HAMILTON *against* —————.

NASMITH and Hamilton, bailies of Hamilton, being pursued, *subsidiarie*, for