

1693. *January 25.* JOHN AIRD *against* JOHN ANDERSON.

THE Lords refused to allow any payment he had made *qua* treasurer, on Provost Gibson's order; especially seeing the very warrant produced bears an obligation to procure him an act of Council for his warrant. *Vol. I. page 550.*

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1693. *January 25.* PATRICK MACASKLE *against* COLTRAIN.

PATRICK MACASKLE *against* Coltrain, sheriff-depute of Wigton. The Lords refused to give him his *juramentum in litem* *against* the sheriff; but found, if he had convened the landlord and innkeeper, they would have granted it. *Vol. I. page 550.*

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1693. *January 25.* BAILIE CROSS and STEWART, *against* PATERSON.

THE Lords found no sufficient reason of advocating the cause from the Bailies of Glasgow, that messengers, for their malversations, could only be pursued before the Lords, by the 21st act 1672, and the 25th act 1692. But they considered that he was only pursued here by the creditor employer, to refund his damage in letting the prisoner escape; which, though it arose from malversation, yet it was not in order to deprivation: and therefore remitted the cause. See the like decision in *Stair, 27th June, 1673, Heriots.* *Vol. I. page 550.*

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1693. *January 26.* JAMES LAMB *against* HOME of Basindean.

JAMES LAMB, litster in Edinburgh, *against* Home of Basindean, and  
The Lords found Home of St. Leonards, granting his bond for 1000 merks of tocher, with Theodosia Home, his sister, to James Lamb, after his majority, fulfilled the friend's obligation and engagement to cause him grant sufficient security, personal or real; they always proving he was sponsal, and had a sufficient visible estate at the time he granted the said bond. *Vol. I. page 551.*