

of these lands, at least of the heugh; and he would not suffer his lands to be sold.

ANSWERED,—He could have no prejudice; for, if he prevailed, he would either obtain the price, or reduce and rescind the roup, in his option; and they were not selling his right to the lands, but Sir William Dick's.

The Lords found, This being a summary process, it could not be stopped on the discussing of Polwart's interest; and that we ought not to lay more clogs on thir purchases, to embarrass them, than the Act of Parliament had done: And, therefore, ordained the roup to go on, but prejudice always and with express reservation of my Lord Polwart's right, as accords; seeing we had several instances, where parties, claiming right to the lands, had interposed, yet were rejected, and not suffered to stop the roup: as in Sir George Lockhart's gift of the recognition of Laswade; in Sir Godfrey Mackulloch's interest on Gordon of Cairdness's estate; in the tailyie of Bonnington's lands, and sundry others.

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1694. *July 21.* KER of HUNDWOOD, and KER of GRANGE, *against* KER of MORISTON, &c.

IN a process, pursued by Kers of Hundwood and Grange, against Ker of Moriston and his tutors, the king's advocate appeared, and craved who would abide by the execution of the citation, in regard he would improve it as false: seeing it bore to be subscribed by Robert King, messenger; and he, with the witnesses, declared, that they disclaimed the same, as forged.

The Lords, on this, caused apprehend Grange, and John Alvis, his agent in the cause, to be imprisoned until the affairs were tried; and, in the mean time, to be kept separately till examined, that they may not concert and agree upon a premeditated answer. It seemed a silly forgery, for saving a few dollars' expense, to hazard themselves; it not being the execution of a horning, inhibition, or the like diligence, but of a common summons. But these go very oft unnoticed; and, when they are suspected, few will venture to propone the falsehood *peremptorie totius causæ*, lest, by the bribing of such mean parties, they may succumb. But Grange, by a petition, condescending upon one Cameron, a messenger, who gave him King's execution, he was liberated, and King ordained to be apprehended.

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1694. *July 24.* JOHN ROBERTSON, Portioner of Meiklegovan, *against* The JUDGE and FISCAL of the Regality of Glasgow.

MERSINGTON reported a bill of suspension, John Robertson, portioner of Meiklegovan, against the Judge and Fiscal of the regality of Glasgow, for an exorbitant fine of £4 sterling, for a staff found beside him, said to be stolen, and £3 sterling of expenses, and £200 Scots to their fiscal; in regard, he said, if they found the said staff beside him, he was content to be condemned in the whole libel; and that the pursuer had given his *juramentum in litem*.