

The Lords found the oath did not prove the acceptance of the agreement ; nor that the qualifications of the fraudulent silence amounted to make Mr Dallas liable in the same.

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1696. *February 4.* CHARLES JACKSON and his CHILDREN *against* SIR JAMES COCKBURN of that ilk.

THE Lords found the count produced, fitted betwixt Andrew Houston, one of the copartners, and Sir James, behoved to be the rule of counting in this process, both *quoad* charge and discharge ; unless Sir James would produce the books, or some other more authentic document, to convell the same ; in regard ye cannot use it for the charge and reject it for the discharge ; for that were *idem approbare et reprobare.*

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1696. *February 4.* TWEEDDALE and PIRIE, Litsters in Edinburgh, *against* the other LITSTERS Incorporated with the Walkers and Bonnetmakers.

NEWBYTH reported Tweeddale and Pirie, litsters in Edinburgh, against the other litsters incorporated with the walkers and bonnetmakers. The Town-council of Edinburgh, on a recommendation from the Parliament 1681, granted a seal of cause to the litsters, uniting them with the bonnetmakers, and so giving them the privileges of one of the fourteen deaconries ; whereon they attempting to discharge thir pursuers from exercising their trade, they raised a declarator, ALLEGING,—They were in the actual exercise and possession of their trade at the time of the said erection, and so could not be prejudged nor debarred during their lives. ANSWERED,—The space of three months after the patent was limited for their incoming to be members ; which they having neglected, they ought not to be received now.

The Lords found, They being freemen before the seal of cause, they ought to be assumed yet, and that without trial or examination ; but not their prentices : And found, They might debar any who had taken on them to exerce this trade after the erecting of the said incorporation ; else seals of causes would signify nothing.

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1695 and 1696. VEITCH *against* CARLILE of BOYTACH and GORDON.

1695. *February 28.*—IN a competition between Veitch and Carlile of Boytach, it fell to be debated, How far this was a nullity in a decret, that it bore the defender was personally apprehended, and was holden as confessed ; and