

No 3.

Laird of Drum and my Lord Forbes obtained the King and Council's consent to their contract of banishment of John Forbes of Cossundie, and his accomplices, and that the decreet-arbitral betwixt the Arthours and Walleis, for banishment of the Walleis, was not sustained till it was ratified by the King.

Fol. Dic. v. 2. p. 19. Haddington, MS. No 2427.

No 4.

1632. *March 24.* LAIRD OF CAPRINGTON *against* GEDDEW.

ONE Geddew a collier, gives his bond to the Laird of Caprington, to serve and work at his coal-heughs during all the days of his lifetime. Notwithstanding, he leaves the Laird, and enters in service with the Laird of Craigie-Wallace. Caprington pursues the collier upon his bond. It was *alleged*, that the bond was made *contra bonos mores*, and christian liberty, and of the nature of a bond of man rent. The LORDS repelled the allegiance.

Fol. Dic. v. 2. p. 19. Auchinleck, MS. p. 17.

* * * Durie reports this case :

In a pursuit against Geddew, for payment of certain sums, for being absent from Caprington's work, at his coal-heugh, contrary to the tenor of Geddew's bond, whereby he had obliged him to work at Caprington's coal-heugh during all the days of his lifetime ; and the Laird of Craigie-Wallace, who was master to Geddew compearing to defend him ; *alleged*, that this bond was null, and ought not to be sustained in any christian nation, seeing it was against good manners, and christian liberty, to take any person perpetually bound to a perpetual and miserable servitude, and also against the acts of Parliament, which prohibit all leagues and bonds among the subjects, as the 43d act 6th. Parl. Queen Mary, and 12th act 10th Parl. James VI. For it is against all equity and natural liberty, to take the free liege of his Majesty obliged to perpetual servitude. This allegiance was repelled, and the bond found lawful and sustained.

Act. — & *Gilmor!*

Alt. —

Clerk, *Gibson.*

Durie, p. 632.

1728. *December* .

ALLAN and MEARNs *against* SKENE of Skene, and BURNET of Monboddø.

No 5.

THE tacksmen of the fishing boats belonging to the village of Johnshaven, entered into a contract with the masters and crews of several of these boats, by which they became bound for the space of three nineteen years, to pay to