

1649. *December 4.* The LAIRD of CLOSBURNE *against* GILPATRICKE.

IN the redemption at the Laird of Clossburne his instance against Gilpatricke,— the Lords found, That bags sealed by Gilpatricke his seal, having the note of the monies contained in every one written by the said Gilpatricke closed in the said bags at the Whitsunday, to have been a sufficient numeration to sustain a posterior order at the Martinmas following, where the superplus not offered at the Whitsunday was then consigned.

And here may be seen a longer disputation in such cases, but specially anent a contract usury, where the lender of monies not in the contract of wadset, but apart, will have the borrower to give him an eleven years' tack of a roun for 200 merks, which was the duty paid before the same tack; but the receiver thereof, lender of the money, turned it into 400, incontinent as he got it. But, upon trial had, they were agreed.

*Page 77.*

---

1649. *December 4.* The LAIRD of RENTOUNE *against* JAMES GREIVE.

IN the suspension by the Laird of Rentoune against James Greive, of Berwicke, the letters were found orderly proceeded, notwithstanding the reason that such a bargain could not have been proven by witnesses; because the charger, in such a bargain of victual, had delivered almost the whole money, it being in the beginning of the winter; and the Laird of Rentoune, suspender, seeing the markets rise, did not keep, and was alleged to have gotten £16 for the boll, where the charger had but £12, in case of failyie. He urged, likewise, upon a restraint by the public, but not verified; and I think the day of his delivery was prior; yet he intened for reduction, and urged for caution, because the charger dwelt in England.

*Page 78.*

---

1649. *December 5 and 6.* YOUNG *against* YOUNG and LOWRIE.

IN the process betwixt Young and Young, they would have had decret against Lowrie also, who was a singular successor, and had coft the wadset lands;— but the Lords could not; seeing the backbond, containing a reversion, was not registrate, to have put him *in mala fide*; yet they ordained the poor boy Young, and his mother Davidstone, to have summons summarily for to cite him upon a few days, without continuation or second summons.

*Page 78.*