

selves, having taken instruments that the charger's coal could not be wrought for water;—this reason, I say, was not found relevant, because the charger stands bound to them for a merk ilk day that they sat idle in his default; likeas, he offers him to prove, that when they took instruments, as is above expressed, so he took instruments also, that he had a new sink ready for working, which he was able to toom out or draw off the water within twenty-four hours. Neither were they poor, who became tacksmen to another work, and gave wages to others, whereby they strive to ruin the charger. And the like incident of interruption, by the ruin of a sink, falling out of before, they did not leave their work, in respect of the mutual bond, but wrought on till this time.

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1650. *January 16.* MR GEORGE STRATOUNE *against* THOMAS THOMSONE.

IN the suspension at Mr George Stratoune's instance against Thomas Thomson, charging for 2000 merks upon a bond made to his wife and him, at the desire of umquhile James Stratoune, his father;—the reason, that it was for the tocher due to the said Thomas, and that he had discharged to the said umquhile James his contract of marriage, and all that he could crave, and so could not be charged upon the said bond, which was given for tocher;—this reason, I say, the Lords did not respect, because they thought that the said James could not be of so short memory but he knew of the discharge: and yet, being to provide his bairns, thought that of conscience he ought to provide likewise payment of this 2000 merks, instead of the tocher discharged without payment made; or he would not have urged his son to give such a bond, and so burdened him, if he had not thought it due.

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1650. *January 17.* LITTLEJOHNE *against* DAVID BAILYIE and HISLOPE.

IN the suspension, Littlejohne against David Bailyie and Hislope, to whom the said David is curator,—the consigned money was ordained to be given up to the said David, he finding a second cautioner, by him who was found in the act of curatory, for the suspender's soverty; especially seeing the minor was out of the country, who should grant discharge with consent only of his curator. As also, the nearest of kin would have had up the same money upon caution, alleging that the minor was dead.

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1650. *January 17.* JOHN HUTCHESONE *against* \_\_\_\_\_.

JOHN Hutchesone, pursuing some minors, bairns of a second marriage, as heirs.