

1677. *December*.—A NAKED appriser not infert, some think, has interest to postpone improbation of a disposition of the apprised lands, whereupon infertment has actually followed. *Vide infra*, [No. 720, 2d February, 1678,] *Cochrane of Buchsolls* against *Cathcart*.  
*Advocates' MS. No. 681, folio 312.*

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1677. *December*.—THE town of Edinburgh using quartering upon the deficients in the excise of the ale brewed, Mr George Campbell, and some other brewers at the Yard-heads of Leith, presented a bill of suspension; alleging, by the act of Parliament, 1661, anent the excise, they have no power to quarter, but only to use such like execution as they have against them who pay their common-good, viz. imprisoning. The Lords waved to decide it, and advised the town of Edinburgh to agree.  
*Advocates' MS. No. 682, folio 312.*

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1677. *December*. THE TOWN OF EDINBURGH *against* THE TOWN OF ABERDENE, &c.

THE town of Edinburgh having charged, by George Blair, their factor, both the town of Aberdene, and the fishers at Glasgow and Greenock, upon their gift from the King of marking and jading all their barrels. Alleged against, *1mo*, They want a decret conform. *2do*, It is prescribed, and in desuetude; and Edinburgh never attained possession by virtue of it. *3tio*, The Royal Fishing Company exacts the same duties from them, and they cannot pay to both. *4to*, for Aberdene alleged, By the 141st act, Parliament 1584, they have a right to it themselves; and it is contained in all their infertments since. See the answers to thir, both in the information against the magistrates of Aberdene, and in the information against the fishers in Greinock, &c.  
*Advocates' MS. No. 683, folio 312.*

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1677. *December 13*.—IN an advocacy, presented by James Lockhart of Clegborne, of an action pursued before the Bailies of Edinburgh by Alexander Young, merchant there, against Patrick Vausse, keeper of the tolbooth of Edinburgh, for giving up 100 merks, consigned by the said James for getting one Vernor liberated, it came to be debated, since Vernor was incarcerated only on a warding, whether such prisoners may be liberated without a formal charge to set at liberty, since the act of sederunt dated the day of , 1675, provides, where any are incarcerated by captions, it shall not be lawful to set them at liberty without such a charge; and if there be any *ratio disparitatis* between them. See the information of it beside me.  
*Advocates' MS. No. 684, folio 312.*

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1677. *December 13*.—IN a suspension, Monteath against Jean Stitts, ALLEGED, No process; because the charger was out of the country, and no procuratory pro-