

1678. July 19. FOTHRINGHAM of POURIE against The MARQUIS of DOUGLAS.

IN Pourie Fotheringham and the Marquis of Douglas's case, the Lords found the adjudication null, but restricted it to the sums contained in the bonds whereupon it was led. *2do*, In Pourie's cause against Hunter of Burnside, "they found, where a clause irritant (resolving the feu on cessation, *per triennium*, to pay the feu-duty,) is in a charter, and a reduction is raised by the superior for annulling the feu, for [the vassal's] not paying the feu-duty by the space of three years, that the said failie cannot be purged at the bar; but if the feu or other charter want that resolute irritant clause, and the declarator only concludes amission of the feu, upon the 246th Act of Parliament 1597, as inherent *de jure et ex natura rei*, the Lords declared they will find that *mora* purgeable at the bar, any time *ante sententiam in declaratoria obtentam*." *Vol. I. Page 10.*

1678. July 20. GEORGE DRUMMOND against JAMES DUNBAR, Messenger.

THE Lords having this day advised the process against James Dunbar, messenger, for paying the debt, because he had suffered the Earl of Morton to escape, (*vide* 27th November 1677;) The Lords assoilyed the said James; because George Drummond, the employer, being present with the messenger, did not bring halbardiers, from the town's-guard, to assist the messenger, which he might have done, being within the Town of Edinburgh, and at the cross, so near to the court of guard. *Vol. I. Page 10.*

1678. July 24. ANENT the EXAMINATION of an AGENT.

THE Lords ordained an agent to be summarily examined upon a bill, although it was alleged, since the regulations and Act of Parliament 1672, Agent was not *nomen juris*, and so no member of the house, and ought not to be examined but by way of action. *Vol. I. Page 10.*

1678. July 24. TAIT against ROBERT CAMPBELL.

IN Tait's suspension against Robert Campbell, apothecary, his removing, a practick was alleged to have been decided between Thomas Wilson and Nicol Hardie, who pursued Thomas to remove from a brew-house in 1671: that the Lords superseded the removing till the Martinmas, in respect Thomas had some victual lying in the lofts, which he could not transport conveniently, nor get brewed off till Martinmas. But I saw the decret, which mentions no such inducement moving the Lords, but only the ambiguity of a minute passed between