

other informalities, as adding, interlining, &c. they granted a reëxamination, and a new commission to Newton and Pitmedden. *Vol. I. Page 54.*

1679. *November 21.*—In the action, Mr James Thomson of Arduthie against the Laird and Lady Pitfoddels, (14th Nov. 1678,) the Lords having considered the probation adduced by both parties, they find and declare that the march betwixt the barony of Maryculter and the barony of Ury, is to begin at the west part of the muir, nearest to the south-east nook of the black folds of Brachmont, where it is found proven that the cross of Brachmont stood, and that the same proceeds in a right line eastward to that part of the muir on the east hand that is nearest to the side of Corsley. And ordain the Lords Newton and Pitmedden, who formerly visited the bounds, to set marches in the said muir of Muirskie accordingly. And declare, that that part of the muir on the north side belongs in property to Menzies of Pitfoddels, and that Mr James Thomson has no right of commonty or servitude thereupon; and that that part of the muir that lies on the south side of the line, belongs in promiscuous pasturage to Pitfoddels and Mr James, according to their several interests.

For clearing the Lords at advising, Mr James produced a scheme or diagram of the muir, and the whole marches controverted. *Vol. I. Page 65.*

1679. *November 21.* ELIZABETH DUFF *against* HER DEBTORS.

IN the action pursued by Elizabeth Duff, daughter to umquhile Thomas Duff, tailor, against her debtors; though many of the sums pursued for were very inconsiderable, and far within 200 merks, as to each particular person's debt, which, by the Act 1672, are appointed to be pursued *in prima instantia* before inferior courts, yet the process was sustained before the Lords, because the debtors dwelt in several shires, conform to the exception in the said Act.

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1679. SIR DAVID BALFOUR, LORD FORRET, *against* HERIOT of RAMORNEY and JOHN CRAIG her HUSBAND.

*January 16.*—IN the reduction and declarator pursued by Sir David Balfour, Lord Forret, against Mr John Craig of Ramorney and his Lady, (being reported by Newton:)

The Lords, notwithstanding of the decret produced, do ordain a new visitation to be had, and witnesses to be examined *hinc inde*, both as to the moor and monksmoss, and milns of Pitlessie and Ramorney, the witnesses not exceeding fifteen in either cause, for either party. And they have no regard to the witnesses already adduced, nor to the decreets following thereupon; in respect the commonwealth's interest is reserved therein; the Earl of Crawford, heritor, was then prisoner in the Tower of London, and the wadsetter was not called; and, in respect that the particular depositions are not subscribed, either by judge or witnesses, but only in the end by the judge and clerk; and the several leaves of the depositions are not marked. *Vide infra, 26th November 1679.*