

1685. *March 18.* DANIEL THORNTON and WILLIAM GAIRDEN *against* DAVID DINMUIR.

DANIEL Thornton and Mr William Gairden, minister of Edinburgh, give in a complaint against Mr David Dinmuir, advocate, bearing, that he, being procurator for the said Daniel's children, made a transaction for them with Forbes of Ballogie and Mr Gairden, about Doctor Maul's money, and yet took the bond of 1600 merks only in name of one of the daughters, whereas they had all a like share and interest; and afterwards took an assignation thereto from her: which looked like *pactum de quota litis*, and endangered Mr Gairden to pay it twice, both to him and to the other children.

The Lords allowed them to turn their bill into a declarator that the money belonged to the whole bairns; and having, *ex officio*, examined witnesses thereon, they found Mr David could not have right to the whole, but only to his cedent's share and proportion of the sum. *Vol. I. Page 355.*

1685. *March 20.* GRAY of SHIVEZ *against* The EARL of ABERDEEN.

GRAY of Shivez having raised a reduction against the Earl of Aberdeen, on the head of circumvention and concussion, as to the rights of the lands of Menzies of Balgonie, with an exhibition; he, on a bill, gets the Earl stopped from deponing in the exhibition, till he should have witnesses present to confront with him; for citing of whom they granted a diligence; but declared, if my Lord was not here in the beginning of November next, they would then allow him to depone on a commission at home. *Vol. I. Page 355.*

1685. *March 20.* GAVIN MARSHALL *against* The CREDITORS of BRUCE of CLACKMANNAN.

GAVIN Marshall, chamberlain to Bruce of Clackmannan's estate, for the behoof of his creditors, gave in a bill representing, that the former coal-sinks were now unprofitable and wasted; and therefore craving leave to put down new eyes and sinks, for improving the casual rent.

The Lords, after intimation to the creditors, granted the desire of this bill. *Vol. I. Page 355.*

1685. *March 20.* SIR JAMES COCKBURN *against* The CREDITORS of PRESTON of VALLYFIELD.

SIR James Cockburn of that ilk, as a creditor to Preston of Vallyfield,