

sion of his own land, or else name a chamberlain, or sequestrate the rents in some responsal man's hands, till the event of the count and reckoning.

The Lords refused this bill, in regard it did no ways appear that Thomas was paid.

Then John, by a second bill, craved that he might be ordained to uphold the houses, and not let them go to ruin.

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1685. *March 28.* SIR ALEXANDER FORBES *against* OGILVY.

SIR Alexander Forbes of Tolquhon pursues Ogilvy of Forglen, brother to the Lord Banff, for taking away a gilded mazer cup out of his house, *rei vindicatione*, for restitution or for the value. The libel was admitted to probation, and witnesses were led thereon, who proved nothing. It was at length discovered, that Tolquhon himself had, some years ago, given in this cup to a goldsmith in Aberdeen to be mended; and he having forgot, it was lying there unrelieved for not paying a half crown for it.

The Lords, getting notice of this, proceeded to advise the cause; though Tolquhon, by a bill, craved they might delay till they examined witnesses, who had laid it in beside that goldsmith, seeing Forglen might have shuffled it in there. And the Lords finding it not proven, they assoilyed Forglen, and ordained Tolquhon to pay 1000 merks of expenses, *tanquam temere litigans*: and allowed Forglen to pursue him at Privy Council, or elsewhere, for defamation.

*Vide 30th April 1685.*

*Vol. I. Page 359.*

1685. *March 28.* CATHCART of CARLETON *against* BOYD of PINKILL.

IN a cause between Cathcart of Carleton and Boyd of Pinkill, the Lords reponed Carleton to the possession, and found it was proven to be part and pertinent of his land; and ordained Pinkill to restore the bygone maills and duties intromitted with by him.

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1685. *March 28.* ——— *against* DOUGLAS and WADDEL.

ONE having given in a bond of L.80 Scots to a lad in Mr Rory M'Kenzie's chamber, called Douglas, to be registrate against one Waddel, who wrote in the same chamber; Douglas gave him back his principal bond, and took a dollar from him in hand, with the promise of three more; but having kept a just double of it, he gave the party an extract, who raising horning thereon, Waddel discovered that he was master of the principal bond.

The Lords imprisoned them both, and ordained them to be carried to the Trone, on the 3d April, being a market-day, at 11 o'clock, and both their lugs to be nailed to it, and to stand there till 12, with a paper on their breasts,