

The Lords found the caption null, unless the execution on the first diligence were produced : but allowed Elieston, for adminiculating of it, to examine, like a proving of the tenor, if, when they copied the caption, they did not see the execution conform. And when they were thus put to it, the lads in the clerks' chamber produced a receipt of William Lockhart's, whereby he had borrowed up some executions of that diligence ; which necessarily must be presumed to be this now amissing. This drew William to consent to a submission. *Vol. I. Page 457.*

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1687. *June 18.* JOHN LAUDER *against* WILLIAM HENDERSON.

JOHN Lauder, chirurgeon-apothecary in Edinburgh, his action against William Henderson, tailor, for payment of an account of £42 Scots, was advised : it was furnished to his wife when sick : and the delivery and the prices being proven by his own man, and Dr Trotter, and other chirurgeons ; the Lords found the account fully proven, without necessity of taking the pursuer's oath in supplement. And on a bill given in by John, representing how contentious the defender had been, and what expense he had put the pursuer to in discussing a suspension, the Lords modified £20 Scots for expenses of plea.

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1687. *June 18.* LORD KINGSTON *against* LADY BELHAVEN.

THE Lords advised the action pursued by the Lord Kingston against the Lady Belhaven, (whose daughter he had married,) for her bond of provision of £10,000 Scots, which she had renewed in her servant, Mr William Brown's name, and inserted a power to herself to clog and burden it with what sums she pleased, and so made her assignation to carry these burdens.

The Lords found the Lady could not invert the nature of the bond ; and therefore decerned.

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1687. *June 21.* DOUGLAS, Bishop of Dumblane, *against* MOIR.

DOUGLAS, Bishop of Dumblane, raised a reduction of a tack of some feudities and teinds, set by his predecessor, Bishop Ramsay, to one Moir ; because, *1mo*, The tack wants the consent of the Chapter. *2do*, It is to their manifest lesion. ANSWERED,—*1mo*, This is no part of the patrimony of the bishopric, but of the Abbacy of Dundrennan annexed to the chapel royal ; and so needed no consent. *2do*, The rental was truly augmented 200 merks more than it paid formerly, being now 1200 merks, and relieving him of sundry burdens.

The Lords, on Redford's report, before answer to the first reason of reduction, ordained the annexation alleged upon to be produced. And, as to the second reason, bearing the tack to be set in diminution of the rental ; admitted that part of the duply to the pursuer's probation, that, before the expulsion of bishops, before 1637, the teinds set in tack paid a greater rentalled duty, or a greater tack-duty, than the duty of this tack now craved to be reduced.

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