

of the adjudication, with the burden of his back-bond, was no contravention of his back-bond; and therefore assoilyied Sir John Sinclair, reserving action to the pursuer against the Earl of Broadalbine, as accords. See this altered 17th Feb. 1687. *Vol. I. Page 430.*

1687. *February 17.*—Earl of Southesk against Sir John Sinclair, mentioned 25th November 1686. The Lords now find Sir Robert Sinclair had contravened his back-bond in favours of Orton, by subscribing the articles where Orton is left out; and therefore decerned against him. *Vide 12th July 1687.*

*Vol. I. Page 448.*

1687. *July 12.*—The Lords advised the Earl of Southesk's pursuit against Sir John Sinclair, mentioned 17th Feb. 1687; and, in regard the adjudication on Caithness's estate, and the comprising, were for different sums, the President and Lords were for assoilyieing Sir John; but however it was carried, to gratify Southesk, that, before answer to the debate, both Southesk and Sir John should, in this same process, insist against the Earl of Broadalbine, to make the debt real upon the estate of Caithness, notwithstanding it was adjudged from Broadalbine by his creditors. But they were not here *in campo*, nor called. *Vide 26th July 1687.*

*Vol. I. Page 465.*

1687. *July 26.*—Sir John Sinclair and the Earl of Southesk having insisted, in their declarator against the Earl of Broadalbine, on his back-bond, as mentioned 12th July 1687, and that the real right of Caithness was affected with it, and with Innes of Orton's debt, and the property transmitted with that burden; the Lords declared in terms of the libel, Broadalbine's lawyers declining to answer. But afterwards, on a bill, this was stopt. *Vol. I. Page 470.*

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1687. *July 27.* The DUKE of HAMILTON *against* ———.

DUKE Hamilton pursuing ——— for non-entry, he alleged that he had a precept of *clare constat* and seasine thereon; but they were lost.

The Lords, before answer, ordained the notary and witnesses to be examined thereon, if they truly gave the seasine, to the effect they might consider if it should stop the non-entry. *Vol. I. Page 470.*

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1687. *July 27.* ROBERT MALLOCH *against* JOHN INGLIS.

JOHN Inglis, advocate, having caused print the process betwixt him and Robert Malloch, wherein he brands him as a cheat and falsery; Robert gave in a bill to the Lords, complaining of the abuse and defamation.

The Lords called for John Inglis to give him a reprimand, and to cause him crave Malloch pardon; and, in regard he absented, they ordained him to be apprehended and imprisoned, and deprived him of his office as an advocate.

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