

Some of the Lords were for sequestrating the profits of the place during the dependence, and till the discussing the suspension and reduction of the decret. But it was carried to repon him, he finding caution to refund these emoluments if he succumbed. Then they offered to give in additional articles of malversation against him: and he, to secure himself, was getting a new gift of his office from Secretary Melfort. Yet see Sande, *Decis. Fris. lib. ult. tit. ult.*  
*Vol. I. Page 475.*

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1687. November 11. DAVID MAYN *against* The EARL of MARISHALL.

MR David Mayn pursues the Earl of Marishall for payment of a debt of his brother's, upon this head, That, by the 62d Act of Parliament 1661, an apparent heir buying in comprisings, or other rights, on his predecessor's estate, they may be redeemed from him within ten years after the acquisition, for payment of what he gave; and he offered to pay him. And the Earl having deponed on the onerous cause, he declared it was disponed to him by Keith of White-ridge for a bond he gave him of 200,000 merks, as the price thereof.

The Lords thought this so great a sum that they suspected it to be simulated; and therefore ordained the Earl to be reëxamined, if he truly paid that price for acquiring the said first apprising, and what he really gave for it.

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1687. November 12. HOME of BLACKADER *against* SIR JAMES COCKBURN.

IN a case between Home of Blackader and Sir James Cockburn, it occurred to be debated, if three consecutive discharges given by a factor import liberation of all proceedings, like the *apochæ trium annorum* when granted *a domino*.

The Lords demurred on it; for there were two decisions alleged in the negative, in 1667 and 1682. See Stair's *Institut. tit. 11.* *Vol. I. Page 478.*

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1687. November 12. The COMMISSARY of DUNKELD *against* SIR THOMAS DALZIEL of BINNS.

SIR Thomas Dalziel of Binns being charged to confirm his father, General Dalziel's testament, by the Commissary of Dunkeld, within whose diocese Binns lies, and where his domicile was when he died, though he deceased in Edinburgh:—the competition arose between Bruce the former Bishop of Dunkeld, and his Commissary, (in whose time he died, but Sir Thomas was not charged to confirm before his deprivation,) and Hamilton the present