

1688. *February 15.* The LADY BOGHALL *against* The DUCHESS of LAUDERDALE.

THE Duchess of Lauderdale being pursued, by the Lady Boghall, for some jewels in her possession, which were legated to her by the Countess of Lauderdale; and, for her active title, producing a notorial extract of the Countess's testament out of a tabellion's books at Paris:

The Lords found it not probative, unless it were further astructured and adminiculated. *Vol. I. Page 498.*

1687 and 1688. M'LURG of BALLANTRAE *against* BOYD of PINKILL.

1687. *December 10.*—A comprising was craved to be reduced, as executed against the debtor at ; whereas he truly then dwelt at Edinburgh. The Lords having taken probation, they found, though he was then at Edinburgh, yet that he had *focum et larem*, and a family where he was cited; and therefore sustained the execution; but prorogated the legal of the apprising till Whitsunday next, if the debtor redeemed betwixt and then. *Vide 16th February 1688. Vol. I. Page 489.*

1688. *February 16.*—Mr James Hunter, advocate, and James Cleland, merchant, as creditors to Boyd of Pinkill, gave in a bill, showing, that John Blair, as assignee by M'Lurg, had a comprising on Pinkill, which the Lords had declared should be irredeemable, if it should not be redeemed betwixt and Whitsunday 1688, (as mentioned *supra*, 10th December 1687;) and if Pinkill suffered that term to elapse, they would be cut off: and therefore craved the Lords would allow them, as posterior creditors, to pay Blair, *et intrare ejus locum*, and ordain him to assign them to his right; which he refused to do, because they would not pay him another sum Pinkill owed him, for which he had no comprising.

The Lords, from a principle of material justice, granted the desire of this bill: which was thought as extraordinary and singular, as the foresaid case of prorogating an expired comprising. *Vol. I. Page 498.*

1688. *February 17.* RODERICK M'KENZIE *against* LORD OXFENFORD.

MR Roderick M'Kenzie, of Prestonhall, pursues Lord Oxenford for relieving him of a part of the stipend, and of an augmentation to the minister of Cranston, on a contract between my Lord's father and Hamilton of Preston, Mr Rory's author, in 1622 and 1637.

The Lords assoilyied Oxenford, reserving to Mr Rory recourse against Falahall, his author. *Vol. I. Page 498.*