

this was, that one procurator proponed promiscuously a defence for all the defenders, though all of them did not know of the disclamation, but only some :) and therefore the Lords ordained John Callander to depone upon the verity of the haill articles of his account; reserving to themselves to modify the charges expended by him, as they see cause, because he carried on several other causes of his own under the pretence of this. *Vol. I. Page 498.*

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1688. *February 22.* WALTER GIBSON *against* CRAWFURD of CARSBURN.

WALTER Gibson, Provost of Glasgow, his charge against Crawford of Carsburn, on an Admiral-decree, was reported by Collington. The Lords ordained merchants to give their opinion, whether, if a ship be sold where the buyer undertakes the burden of the outreik, if masts will fall under the notion of outreik, seeing she could not be a complete ship without masts. *Vide l. 44 D. de Evict.*; Molloy, *de Jure Maritimo*, p. 194; and Loccenius, *lib. 1, c. 2. 2do*, To give their advice and report what is the custom of the Carribbee islands, of giving gratifications to the governors, that their ships may be declared free; and if the ship bears all or only a third part of it; for which Molloy was cited, *lib. 2, cap. 6.* And found no annualrent due for the outreik, and that they were not such *impensæ in navem* as bore annualrent, as victuals, provisions, and bottomry do. *Vol. I. Page 499.*

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1688. *February 28.* LADY CARLOURY *against* Her HUSBAND'S CREDITORS.

THE young Lady Carloury having given in a bill for an aliment to herself and children out of her husband's estate;—the Lords gave her £50 sterling. Which was thought very hard, where the estate will not pay the creditors' annualrents. *Vol. I. Page 500.*

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1688. *February 28.* SIR ROBERT PRESTON'S CHILDREN *against* His CREDITORS.

THE Children of Sir Robert Preston of that ilk, upon a bill, got a modification, from their father's creditors, of 600 merks for this year, during the dependence of their count and reckoning. *Vol. I. Page 500.*

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1688. *February 28.* JAMES KER *against* JOHN GIBSON.

JAMES Ker gave in a bill against John Gibson, his wife's father, showing he