

son of Midleton; and the Lords preferred Midleton's right, his confirmation being before their decret of pouding of the ground, and their first seasine not containing the specific lands.

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1688. *July 5.* ANDREW URIE, Minister at Morningside, *against* ROBERT ANDREW.

THE case of Mr Andrew Urie, minister of Morningside, against Robert Andrew, mason there, being reported by Balcaskie; the Lords allowed those articles of the account expended by Mr Andrew, the charger, in registrating the minute of contract, and raising letters and using execution thereupon; he giving his oath that he truly disbursed the money; and appoint the charger to give his oath of calumny, if he called for the sum mentioned in the count, and kept the same in his hands, in order to the implement of the minute, and how long he kept the same in his hands.

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1688. *July 11.* SIR ALEXANDER GILMOR *against* CAPTAIN STRATON.

SIR Alexander Gilmor of Craigmiller pursues Captain Straton, for reduction of a bond of 2000 merks, as being for money lost at cards. The Lords, upon Straton's oath, found only 31 guineas of it fell precisely under the 14th Act of Parl. 1621, and ordained him to pay it to them, for the use of the poor, except £5 sterling, which, by that law, he may retain. The rest was lost by packing; so that is also *prodigo et perdituro credere, contra legem ad S. C. Macedonianum.*

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Craigmiller got it not, but had the pleasure to see part of it evicted from Stratoun.

*MS. No. 992, p. 412.*

1688. *July 12.* The GIRDLEMAKERS of CULROSS *against* The LAIRD of VALLEYFIELD and his FEUARS.

THE debate betwixt the Girdlemakers of Culross and Valleyfield is reported by Mersington. The former, by their declarator, craved Valleyfield, and all others, might be discharged to make any girdles; in regard, by a letter of King James the VI. in 1599, and a gift from King Charles the II. in 1666, the sole privilege was given to them, for their encouragement; they being the first inventors. ANSWERED,—This resolved into a downright monopoly; which is prohibited, *l. unic. C. de Monopoliis*; and the most that ever was done, was to grant temporary ones, but not perpetual; see the case of *Sir Geills Mompesson*, in Rushworth and Baker; for they are against public utility: and the defenders were feuars to Valleyfield, whose lands were erected into a barony;