deacon; and the masons and wrights being united in one incorporation, because of their considerableness, having two deacons: or otherwise, as the other trades were excluded from being deacons by the sett, they behoved to be turned out of doors, and have no vote in the election, as not being of the craft of wrights and masons; and so have ceased to be a part of the incorporation of the city of Edinburgh, consisting of merchants and trades: and thus had all the other trades, which are not specifically named, been turned out, and the town been capable of no other trades than what actually then were, to the great detriment both of the chief city and country. But it is evident that they both retained the other trades incorporated which then were, and assumed others, as they were most congenerous to these fourteen incorporations; as the waulkers assumed the hat-makers; and the furriers the glovers; who both have been frequently deacons of these trades. And it is as heterogeneous to say that a belt-maker is a hammerman, who hath all along continued in that craft as such, and may be deacon of it, as that a slater may be comprehended under the craft of masons.

The Lords, having considered the whole matter, they found, by their books produced, that the coopers, bowers, glaziers, wrights, and slaters, were incorporated in fraternity with the wrights and masons, and did vote in all their concerns and interests; and nothing appeared of any limitation in their admission, or any incapacity to be deacons of the whole incorporation; and found, that the King's decreet-arbitral, by designing fourteen crafts, by the naming of the chief craft, did not exclude the rest that were incorporated with them, nor alter their capacity of electing and being elected deacons: and therefore found, that the council might put any of these trades in the leet, and they might be chosen deacons accordingly. But, as for the painters, &c. that came in after, they appointed the parties to be heard, whether they had the like capacity or not.

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1676. *January* 11. WILLIAM BRUCE *against* JAMES ALEXANDER.

JAMES Alexander having granted a bond to his daughter Janet Alexander, and being charged thereupon, suspends on this reason; That it was never a delivered evident, but was unwarrantably intromitted with by his daughter, being in a locked box of his, which she broke up; at least being in a coffer or trunk of his whereof she had got the keys, being in his family for the time; and, that she had left his family and married, without his consent, to William Bruce. All which he referred to her oath; at least craved her oath of calumny, and that witnesses, *ex officio*, might be examined how she came by the bond.

It was ANSWERED; That the bond, being moveable, did now belong to William Bruce, her husband, *jure mariti*, which is a legal assignation; and so his wife, as cedent, cannot depone in his prejudice; neither can her oath of calumny be admitted, for the same reason: But he is willing to depone that he got the bond from his wife, before the marriage, as her portion, and knew nothing of any unwarrantable way of coming to it. Neither did she marry without her father's consent or approbation; for he agreed to the marriage; and, by a minute of contract, which was drawn up by his warrant, was to have disponed his

land, which was provided to heirs-male, in contemplation of this marriage; but, having differed in some provisions, it was not subscribed; and, after the marriage, the said William and his spouse were entertained in the family with the father. And therefore, there was no reason to prove the intromitting with the bond, by witnesses, *ex officio*, or otherwise.

The Lords allowed witnesses, *ex officio*, to be examined, how the bonds came in the hands of the said Janet Alexander; in respect of that evidence, that she had left the family, and married without consent of her father, and that there was a draught of the minute of contract on other terms, without mention of this bond; but did not grant the oath, either of calumny, or verity of the wife.

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1676. *January* 19. ——— ———, in Argile, Supplicant.

——— ———, in Argile, being executor nominate to a defunct; he gave in a bill to the Lords, representing, that the commissary of Argile, being with the M'Leans, there were letters of intercommuning published against him, and he did not officiate in his office as commissary, and hath no power of deputation, there being no Bishop of Argile; and, therefore, desired that he might have warrant to intromit with the defunct's moveables, and licence to pursue, from the Lords, as being the King's great consistory, and having authority to supply the defects of inferior courts.

Which desire the Lords granted.

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1676. *January* 26. DUKE of LAUDERDALE *against* LORD and LADY YESTER.

THE Duke of Lauderdale having disponed his whole estate to his daughter, the Lady Yester, by a disposition before her marriage, and also by her contract of marriage, both containing a reversion upon a rose-noble, by himself, or the heirs-male of his body, he used an order, and obtained declarator *in foro*; and, having charged my Lord and Lady Yester to renounce and resign accordingly, he offered a draught, which he required to be subscribed for implement. They gave in a bill of suspension upon obedience; and therewith subscribed a renunciation and resignation.

The Lords, having appointed the suspension to be discussed upon the bill, as they do ordinarily, whenever the charger requires it, the charger having produced the draught as his special charge,—it was ALLEGED for the suspenders,—That they offering a subscribed renunciation for obedience, they were not obliged to object against the charger's draught; but their reason was unquestionably relevant, and instructed by the renunciation produced, unless the charger could object against it.

It was ANSWERED,—That, in a matter of this importance, of the Duke's whole estate, he was not obliged to accept of a renunciation, unless it were subscribed before such persons as he would desire to be present; that there might be no