

decreet against the tenant for 5000 merks by year, as his maill and duty; and being imprisoned for that, till the decreet were reduced, the Town behaved to be liable for that sum.

DUPLIED,—The decreet was in absence, and though the tenant could not be now had to depone on the yearly quantity of his true rent, yet they were content to admit to her probation what duty he paid, and to be liable for that; and offered to prove the whole barony (whereof he was a tenant but in a small part,) did not pay so much by year as she had taken decreet against that one tenant for.

The Lords repelled both defences, and found the town liable for the whole sum decerned against the tenant; and refused to take a probation anent his true rent.—This, as very hard, the town reclaimed against by a bill; but if it was on the account that the decreet was standing unreduced, it seems the Town, for their own liberation *pro tanto*, had interest, without the tenant's concurrence, to raise a reduction of that decreet, and prove what was his true yearly rent.

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1680. *December 1.* The OWNERS of an ELEPHANT *against* ALEXANDER DEAS and the Other FARMERS of it.

THE owners of the Elephant which was brought hither from England to be shown, having charged Alexander Deas and the other farmers of it, on their contract, to pay 400 pounds sterling for the use of it several months, they presented a bill of suspension on sundry breaches and contraventions of the said contract; such as, they did not show it at the precise hours appointed, and took advantage by showing it privately, for which they have not accounted; and did not show all it might do, *viz.* its drinking, &c. But it could not drink every time it was shown.

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1680. *December 1.* RIDDEL of HAINING *against* MARY JOHNSTON.

IN Riddel of Haining's case against Mary Johnston, the Lords found that the act of grace in March 1674 was sufficient to defend one against a pursuit for deeds of usury done preceding that act, it pardoning all penal statutes and crimes, except capital ones; and *favores sunt ampliandi et latissime interpretandi*. Yet such rogues should not so easily escape. Likeas, in November 1677, the Lords found that bailies of regalities' fines were comprehended in this act, and discharged by it.

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1678, 1679, and 1680. BEATSON of POLGUILD *against* BEATSONS of KILRIE and SOUTHGLASSMOUTH.

1678. *July 19.*—IN the action pursued by Beatson of Polguild against