

mail ; therefore, if the Master could instantly verify, that the said goods were taken out before the term of payment of the mail, the Lords would allow the Master retention *pro tanto*.

*Page 14.*

1682. *November 15.* DURIE *against* The LAIRD of ORROCK.

IN a suspension, at ——— Durie's instance, against the Laird of Orrock, of a decret recovered at Orrock's instance, against the said ——— Durie, before the bailies of the regality of Dumferling ; wherein he is decerned to demolish his dovecot, upon the Act of Parliament, as not having ten chalders victual of yearly rent, contiguous to the said dovecot :

The Lords would not decern him to cast down the dovecot, in regard there was a byre under the same ; but ordained him to translate the same from being a dovecot to any other use.

*Page 15.*

1682. *December 21.* The KING'S ADVOCATE *against* GRAY and BLAIR.

HIS Majesty's Advocate having pursued a declarator of the escheat of Bailie Gray and Blair, who were found guilty of error before the Justice Court ; and it being ALLEGED for them, That they had a reduction of the said gift and act of adjournal, upon this reason :—That, by the Act of Parliament, no person was to speak with the assize after they were inclosed ; and, that they offered to prove, that the Advocate had spoken with the members of the assize after they were first inclosed.

And it being REPLIED, That, if he spoke to the assize, it was in presence of the Justices, after they had disclosed themselves, returning a verdict that was not apposite ; and that he did only desire that the Justices would inclose them till they returned an apposite verdict, either filing or cleansing : and that the Act of Parliament was only to be understood, that the pursuer, or any other person, should not speak with them while they were inclosed, to menace, corrupt, or influence them ; but was not to be understood, when the Judge, or any person in presence of the Judge, in manner aforesaid, did speak to them.

The Lords sustained the gift, and repelled the reasons of reduction.

*Page 20.*