

1682 and 1683. JAMES RAE *against* GIBSON and NOBLE.

1682. *February 24.*—THE Lords, on a bill given in by James Rae, merchant in Glasgow, who had taken the first of November, 1682, to prove an allegiance, that he had plied the voyage, against Gibson and Noble; but, in regard the witnesses he was to adduce were seamen, now abroad, and who might come to Scotland during the ensuing long vacancy, and be gone away before the first of November next:

Therefore the Lords allowed a commission to the Commissary of Glasgow, or _____, to examine them any time in the vacancy, when they returned; eight days' intimation being given by a notary to Gibson and Noble to attend their examination.

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1683. *January 4.*—James Rae, in Glasgow, against Gibson and Noble, (as mentioned 24th Feb. 1682.) The Lords found, since the merchants had not filled the vessel with victual, that the skipper, in place of his portage, might put in a small quantity on his own account; and that this could not prejudice the merchants by underselling them and lowering the markets, he having only eight or ten bolls; and, in regard that they had maliciously put the skipper to a probation that he had plied the voyage, and that the freight was £46 sterling, they modified £4 sterling further of expenses.

Quæritur if this be over and above the penalty of the charter-party.

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1683. *January 9.* LADY BUCHANAN *against* The MARQUIS of MONTROSE.

THE case between Lady Buchanan and the Marquis of Montrose being reported by Marcus; the Lords found that the park of Dalsennock controverted was not comprehended in the Lady's liferent provision, and that therefore any intromission the Lady hath had therewith, or rents thereof, must be ascribed in payment of her liferent provision *pro tanto*. And, as to the Lady's intromission with moveables, steelbow goods, and others belonging to her husband; before answer, ordained the defender to give in a particular condescendance thereof, and how they will prove the same. And, as for the exhibition, they found the Lady and her daughter ought not only to have exhibition of the writs, made by Buchanan to Major Grant, and by Major Grant to the Marquis, but likewise the writs of all lands whereof the pursuer has the reversion, and as Major Grant had the writs before he disposed that estate to the Marquis.

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1683. *January 11.* ROBERT RALSTON *against* MARION WEIR.

ROBERT Ralston,—as having right from James Weir in Hamilton, by an heritable bond, to some tenements there, for security of 1200 merks he had lent him, and as adjudger of them,—pursues a reduction, against Marion Weir, his sister,