

1682 and 1683. BROWN, *alias* LAURY, *alias* CRIGHTON, of CRAWFURDSTON
against LAVEROCK and JOHN CRIGHTON.

1682. *January 25.*—IN BROWN, *alias* CRIGHTON of Crawfordston, his improbation of a bond of relief against Captain Laverock and Mr John Crighton; the Lords finding that Andrew Cunningham, the criminal macer, Laverock's cedent, did prevaricate and vary in his declaration when they tried him in their own presence, they sent him to prison till he was further examined, and where, some few weeks after, he died; and the Lords appointed some points to be further cleared by probation of witnesses. *Vide 1st February 1683.*

Vol. I. Page 170.

1683. *February 1.*—LAURY, *alias* CRIGHTON, of Crawfordston, his improbation against Laverock, Crighton, and Cunningham, mentioned the 25th January 1682, was advised.

The Lords, on the depositions of the witnesses, and other probation, find the said bond of cautionry not probative, and therefore improve it allenarly *quoad omnes civiles effectus.*

Vol. I. Page 215.

1683. *February 1.* JOHN GOVAN *against* THE COMMISSARIES of EDINBURGH.

JOHN Govan, late Treasurer of Edinburgh his relict having advocated an edict of executry from the Commissaries of Edinburgh, whereby they were confirming their procurator-fiscal, on this ground, That they had not cited the nearest of kin, and the relict had a disposition :

The Lords, upon report, remitted it back to the Commissaries, as the only judges competent *in prima instantia* to the confirming of testaments, with this declaration, that, if application be made to them afterwards, in case of any iniquity, they will redress it.

Vol. I. Page 215.

1683. *February 7.* THE DAUGHTERS of JAMES HAMILTON *against* — HAMILTON, Lady Saughtonhall, and BAIRD.

THE two younger daughters of James Hamilton, against their sister, Lady Saughtonhall, and James Baird, her husband. The Lords found no terce due to the relict, and reduced James's disposition to his said eldest daughter, *ex capite lecti*, and brought in the three sisters equally. Though it was proven, that James, after the said disposition, rode out of Monktonhall to Edinburgh; which they found not equivalent to kirk and market, although, in many cases, it be more than equipollent.

Vol. I. Page 216.