

1683. *March 23.* EDWARD FOUNTAIN *against* ANABLE and MARGARET LAUDER.

EDWARD Fountain against Anable and Margaret Lauders, reported by Castlehill. The Lords turned the bailies of Edinburgh their decreet into a libel, in respect, upon the production of the tack, it was expired, and they had used a warning against him, and so taken off his tacit relocation; and yet the bailies had decerned him to be repossessed.

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1681 and 1683. THOMAS RAMSAY and JAMES AITKENHEAD *against* HELEN RAMSAY and BROWN.

1681. *December 23.*—MR Thomas Ramsay, minister at Mordington, offering a cautioner in the loosing an arrestment laid on by Helen Ramsay, his sister, and James Aikenhead, apothecary, her husband, on a depending process; and the cautioner being refused by Sir William Bruce, clerk to the bills; and Mr Thomas offering *cautionem juratoriam*, that he could not find a better, the Lords absolutely refused to allow it in this case, though they admitted it in passing of suspensions. See Stair, *16th July 1661, College of St Andrew's.*

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See the intermediate parts of the report of this case, Dictionary, page 4234.

1683. *March 28.*—In Helen Ramsay's case against Brown, (mentioned 20th Dec. 1682;) she offering to prove, by his oath, that he promised that his wife's tocher of 1000 merks should come back to her friends, if she had no children; and he having deponed *negative*, she, upon a bill, got an order to reëxamine him, he always not altering the deposition to his own advantage. Which is a caveat may be used and adjected in such like cases of reëxaminations.

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1683. GEORGE SETON of BARNES *against* The LADY BEARFORD, &c.

*February 7.*—SIR Arthur Forbes, Viscount Granard, Lady Margaret Hay, and the Lady Bearford, gave in a bill against George Seton of Barnes, complaining he had vitiated a principal agreement, or decreet-arbitral, passed betwixt his father and him in 1658, by making *eighteen* hundred *sixteen* hundred, and *his* estate *this* estate, and adding the word *rents*, which corrupted the sense.

ANSWERED,—They were not vitiations, but amendments, inserted in it at the very beginning by the arbiters.

The Lords, having considered the bill and answers, recommend to my Lord Register and Redfoord to hear the parties anent the vitiation of the said decreet-arbitral, and upon the hail points controverted; and, for that effect, grant warrant to the Commissary-clerk of Edinburgh to exhibit and produce the principal decreet-arbitral in question; and to the Clerks of Session, and