

in the count and reckoning betwixt James Cleland and Lamington, (*de quo vide supra*, 27th January 1680;) and in the mean time they stopped Lamington's extracting that act, till they saw what Littlegill could add or alter thereof.

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1683. *December 8.*—Baillie of Littlegill, and James Cleland, merchant, as he who stands bound for Littlegill to Lamington, that he shall clear his father's chamberlain counts with the Marquis of Douglas, (for which Lamington's grand-father was cautioner,) give in a bill to the Lords, craving a protection to Littlegill for a month, (conform to the late Act of Parliament in 1681,) against his creditors, that he might come in and clear these accounts, it not being possible for Cleland to do it without him.

The Lords found this case fell not within the terms of the said Act of Parliament; and therefore refused the bill.

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1682 and 1683. BAILIE OF TORWOODHEAD, *alias* LORD FORRESTER, *against* EDWARD RUTHVEN OF HUGH WALLACE.

1682. *December 14.*—AT Privy Council, Bailie of Torwoodhead gives in a bill against Edward Ruthven, and the Lady Letham and others, for dispossessing him of the house and estate of Corstorphine, whereof he was heir of tailyie; and therefore he craved repossession, and delivery to him of the charter-chest.

The Lords, in regard he was dispossessed by their own order, (*vide supra*, 18th September 1679, *Historical Volume*, Letham *against* Forrester,) therefore they refer him to pursue *via ordinaria* before the Session; but recommended it to the Lords to discuss it summarily.

The pretence of their not meddling with it was, that Edward Ruthven, then out of the country, was not cited; he is since dead, and any right he had falls to his two sisters.

*Nota.*—Torwoodhead, 30th March 1683, was repossessed in the house and yards; reserving the point of right to be discussed afterwards; and but prejudice of Hugh Wallace's comprisings thereof, which are reserved as accords.

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1683. *December 10.*—Bailie of Torwoodhead, *alias* Lord Forrester, his debate with Hew Wallace, (mentioned 14th December 1682,) is reported by Pit-medden; and the Lords find that they will not continue Forrester's possession of that tenement lying in Forrester's Wynd, in Edinburgh, to him, as apparent heir of tailyie to James last Lord Forrester; because Hew Wallace instructed he was infest in it; and therefore *una voce* found Torwoodhead behoved to warn him to remove at Whitsunday next.

But this he cannot do except he were infest.

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