1684. *February* 29. JAMES FALCONER *against* The SECRETARIES of the MINT.

MR James Falconer, advocate, gave in a bill, complaining that, upon the decreet of the Mint obtained against him, and the King's modification of his fine, (gifted to the two Secretaries, with Sir John Falconer's fine,) they had denounced him to the horn, though he had an intimated bill of suspension prior to the same; and so craving the denunciation might be recalled and annulled.

The Lords would not do this, (though the denouncing was a riot,) but only discharged the registrating of the horning till the bill were discussed; or, if it was registrate, then they discharged the booking it. *Vol. I. Page 277.*

1684. *March* 1. WILLIAM LIVINGSTON *against* BETTY WHITEFORD.

THERE is a letter from the King, procured by Mr William Livingston, brother to the Viscount of Kilsyth, to the Lords of Session, desiring them to forbear the deciding of that advocation raised by him against Mrs Betty Whiteford, daughter to umquhile Sir John Whiteford of Milntown, from the Commissaries of Edinburgh, of a process of adherence; and for declaring that he had owned her for his lawful wife, (for she had borne him a child,) and to lay it over till the 1st November; in regard he was at London sick and unable to attend it: and the King had caused his own physicians visit him, and they had attested and declared that he could not travel at this season, without hazard of his life: so it was no simulated sickness. Yet some can procure a fever to themselves for an hour or two.

This letter being intimated to her advocates, they objected that this was a private writing, not to be regarded by the 92d Act of Parliament 1579 and the 47th Act 1587; and was *mali exempli*, to stop justice, especially against her who was seeking to have the stain lying on her honour cleared, by proving that he owned her as his wife when she was in child-bed. Some did contend, that, by the 18th Act of Parl. 1681, anent the King's cumulative jurisdiction, he might stop any process depending before the Lords. But that was not meant by the Parliament, at the making of that Act. *Vol. I. Page 277.*

1684. *March* 5. ROBERT LAUDER *against* JOHN PENMAN.

MR Robert Lauder, one of the clerks of Exchequer, being creditor by bond to John Penman, merchant in Edinburgh, in 1000 merks; and the said John breaking suddenly, and giving a fraudulent disposition of all to his wife and