

to the tenement and yards in Culross, or not. But there seemed to be no du-biety in the clause.

There was a bill given in against this by Stanhope, which was referred to Carse and Drumcairn; and they having reported it on the 25th of February, the Lords adhered to their former interlocutor. And Stanhope reclaiming again by a bill, containing some reflections on the Lady, the Lords resented it, and referred it to the President, to consider how far the papers produced (the originals were in Dutch,) proved Van Arsen was cautioner, and that this 12,000 guilders was a part of the 25,000; and Mr William Stirling's oath was taken on the last point, as one of the commoners.

*Vol. I. Page 439.*

1687. *January 14.* FERGUSSON of CRAIGDARROCH *against* WILSON.

FERGUSSON of Craigdarroch pursues Wilson for payment of the price of a house. ALLEGED,—By the bond, you are tied to purge certain inhibitions. ANSWERED,—I will find caution to secure you against them.

The Lords, on Edmonston's report, ordained the decret to be extracted, as to the annualrents, (seeing they were in possession of the land;) and, as to the principal sum, sustained the defence founded on the inhibition, until the same be purged; and ordained the pursuer to exhibit the progress and other writs to the defender, upon oath, and the defender to condescend on his damage and prejudice through the want of the Earl of Nithsdale's consent; and likewise to condescend on such writs as are wanting in the progress: and remitted to Edmonston to consider the progress and the damage, and to report.

*Vol. I. Page 440.*

1687. *January 14.* The DUCHESS of LAUDERDALE *against* JAMES STEILL.

THE Duchess of Lauderdale pursues James Steill, her coal-grieve, to remove from a house. ALLEGED,—He could not be removed between terms, and he had made sundry reparations thereon. ANSWERED,—He was *in mala fide*. Yet *l. 38 D. de Petit. Hæredit.* allows even *prædonem deducere impensas utiles et necessarias*.

The Lords, on Edmonston's report, superseded execution of the removing till Whitsunday, and ordained the meliorations to be visited and valued.

*Vol. I. Page 440.*

1687. *January 14.* CONGALTON of SCAITSBUSS *against* BUTLER of HARPEN-DEAN.

THE case of Congalton of Scaitsbuss against Butler of Harpendean, was advised. He was pursuing for 5000 merks of his wife's tocher. ALLEGED,—*Imo,*