

1695. *January 29.* CUNNINGHAM of MONTGRENAN *against* The REPRESENTATIVES of GENERAL DOUGLASS.

CUNNINGHAM of Montgrenan against the Representatives of General Douglass, anent repetition of the composition paid for his forfeiture. All the strait lay in the making it appear that the money was paid for that cause, the conveyance being so dark.

The Lords, before answer, allowed probation to be taken of all the circumstances and presumptions founded on, as to the manner of the payment, &c.

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1695. *February 1.* CLARA and PATRICIA RUTHVENS, *and* MURRAY of SPOT, Husband to the said CLARA, *against* Mrs MARTHA TEMPLE, Relict of EDWARD RUTHVEN.

THE Lords for expiscating whether the L.1000 sterling bond, taken in name of Sir Stephen Fox, or Sir Charles Littleton, for Mrs Martha's behoof, was Edward Ruthven's money or not; they ordained Mr David Hay, who paid it, and all other persons, to be examined; though some thought it could not be taken away but by her oath that she knew it was her husband's. Spot's design was, by constituting this debt, to make a ground of compensation against the L.200 sterling of liferent annuity she possessed out of the lands of Corstorphin.

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1695. *February 1.* MAXWELL of GARNSALLOCH and the EARL of TRAQUAIR, *against* CASTLEMILK and CARRUTHERS of DORMONT.

NEWBYTH reported Maxwell of Garnsalloch and the Earl of Traquair, against Castlemilk and Carruthers of Dormont. The Lords found Dormont was *in mala fide* to take assedations of the land from Castlemilk, after the interpellation by processes, in defending against which he was the principal manager; and that the payment he made by virtue of these tacks behoved to fall in consequence.

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1695. *February 1.* JOHN DUNDASS and ROBERT SELKIRK, *against* JOHN SPREULL.

PHILIPHAUGH reported Mr John Dundass, admiral-depute of the West Seas, and Robert Selkirk, his procurator-fiscal, against John Spreull, merchant in Glasgow, for a fine they had imposed on him;—1^{mo}. Of 500 merks for not reproducing the papers which instructed Skipper Thomson's malversation, by unloading the Portugal wine at Glasgow, which he was bound to Francisco