

Viscount of Stair and Sir James Dalrymple, upon a competition of a wadset, whereof they were seeking to dispossess him ; and having had some indiscreet and indecent expressions in a postscript of that copy given in to my Lord Tillycoultrie's box ; and, calling for him, the Lords found it was done by Alexander Cannon, his brother, who judicially acknowledged it ; whereupon the Lords sent him to prison to lie for a month, and then to crave pardon of the Lords on his knees, and to be debarred from agenting in the House for all time coming. Some proposed pillorying or fining ; but that was waved.

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1701. *December 10.* JOHN HILL *against* MURRAY of SPOT.

SPOT's father, when he acquired these lands from Douglas of Spot, he granted him a back-bond, declaring them redeemable from him on payment of forty thousand pounds Scots. Douglas assigned this back-bond to Helenor Dawson his wife, and she in favour of Mr Hill, her second husband : and he pursuing Murray of Spot, on his father's back-bond, he proponed and raised improbation against it ; and craved, *1mo.* That Hill and his lady should abide at the verity of it *sub periculo falsi* ; *2do.* That they find caution, to the value of the estate, to attend all the diets of process, and undergo the punishment as an user of a false writ, if it be found so ; *3tio.* That he design a domicile in Edinburgh, at which he may be cited.

ANSWERED to the *first*,---They are ready to bide by the verity of the writ, and have several holograph missive letters to astruct and adminiculate it ; but being infirm, and unable to travel from London this winter-season, they were willing to subscribe their abiding before any commissioners whom Spot should name at London. *2do.* Caution to the value is only sought to fright the pursuer, a stranger, and to force him to abandon his just claim ; for it is impossible that he or any man can find such caution. To the *third*,---The pier and shore of Leith is the legal domicile of strangers out of the country ; but if the Lords require a special one to be designed at Edinburgh, as his lawyer's or agent's house, he shall do it.

It was REPLIED,---That bidding by a writ that was quarrelled of falsehood was of that moment and importance that it could not be taken on a commission, but the user's personal presence was necessary ; for, when the Lords found presumptions of the forgery, they used to send them to prison ; as they did to *Barclay of Towie's Witnesses, Captain Rutherford*, and others. As to the *second*,---Caution for a small sum was no sufficient check against forgery.

The Lords found the parties might abide at the verity of this back-bond on a commission, and directed one to the secretaries of state ; and found the caution needed not be equivalent, and therefore modified it to £200 sterling ; and ordained him to design a special domicile within the Town of Edinburgh.

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