No. 5. 1748, Dec. 1. HAMILTON *against* LINNEN.

HAMILTON having after many attempts and long courtship debauched Linnen his cousin-german and got her with child, the Commissaries decerned him in L.500 damages; and an advocation being reported to us, the Lords found damages due, *renit.* President and Drummore, but restricted the sum to L.200 sterling besides expenses of process. We all agreed to restrict, because he was only presumptive heir to an estate, his father living. The question put was L.200 or L.300, and it carried by the President's casting vote L.200—*referente* Kilkerran.

No. 6. 1750, June 19. HAMILTON *against* ARBUTHNOT.

ARBUTHNOT having said to several customers that Mr Hamilton's goods were mildewed and rotten to spoil the sale of his goods; Hamilton sued him before the Bailies of Edinburgh and recovered decreet for L.40 sterling. A bill of suspension being offered they first insisted on the incompetency of the Bailie-Court, because this was a scandal and only competent to the Commissaries. But we thought there was nothing in the objection where it was a real injury affecting the pursuer's fortune and estate and concluding damages, though it was only in words; and we agreed that there was sufficient cause for the process, and we only differed as to the quantity of damages, whether L.20 or L.40, but on a vote it carried by the narrowest majority to refuse the bill *in toto.*

RETOUR.

No. 1. 1738, Jan. 17. CASE OF BARGENY.

See Note of No. 2, *voce* PROVISION TO HEIRS AND CHILDREN.

*** A complete collection of the Session papers of this very important case has been preserved by Lord Elchies. They are in the 11th volume, in the Advocates Library. The papers of the case of Kinfauns are in the same volume.

No. 2. 1743, June 17. HENRY BETHUNE, *Supplicant.*

MR BETHUNE having right as heir to his brother David to the barony of Balfour, and also to the lands of Kilrennie, and annualrents contained in a charter in 1715 in favours of his cousin James Bethune, by which charter there was a dispensation for taking infeftment at the manor place of Kilrennie or any other of the lands therein contained for the whole lands in that charter; but in the special service of the petitioner, by an error of the clerk, in place of the manor place of Kilrennie he called it the manor place of Balfour, and the