

1616. *July 6.* MUIRHEAD *against* LAIRD OF BARSINOK.

No 18.

IN an action pursued by George Muirhead against the Laird of Barsinok, the LORDS found the deeds of contravention relevant, which were libelled upon Barsinok, violent entering into the possession of the lands after George was put in, notwithstanding it should happen him to reduce the decret of removing.

*Fol. Dic. v. 1. p. 534. Kerse, MS. fol. 232.*

1616. *December 5.* ANDERSON *against* GALBRAITH.

No 19.

IN an action pursued by George Anderson against John Galbraith, the LORDS would not sustain a contravention of herding and pasturing, except he would condescend that the goods were violently held on after they were called off.

*Fol. Dic. v. 1. p. 533. Kerse, MS. fol. 232.*

1619. *January 14.* LAIRD SMITON *against* LEARMONTH.

No 20.

FOUND, That an act of lawburrows ought not to be drawn back to the date of the charge, where the charge was past year and day of before.

*Kerse, MS. fol. 232.*

1624. *January 13.* BALBEGNO *against* LAURISTON.

No 21.

MEMORANDUM, That the Lords of Secret Council having heard appearance of trouble betwixt the Laird of Lauriston and Balbegno, to the disturbance of the peace of the country; and for preventing thereof, having charged the parties to compear before them, they ordained Lauriston to find caution to Balbegno, under the pain of L. 5000, and Balbegno being commanded to find the like caution, having represented by one the misery of his estate, by the comprising of his hail lands, and the Laird of Lariston's intention to dispossess him of his hail teinds, by a tack rigorously and unkindly taken over his head, which disabled him to find relief to his cautioner; in respect whereof the LORDS took his solemn oath, that he was unable to find caution, or to relieve his cautioner, and accepting of his juratory caution, and his oath, that he should not trouble the Laird of Lauriston, otherwise than by order of law, they took himself bound under the pain of L. 10,000, being the double of Lauriston's sum.

Parties being charged to find mutual caution in lawburrows, the one having obeyed, and the other making faith that he could not find caution, the Lords took him bound for the double of the sum.

*Fol. Dic. v. 1. p. 533. Haddington, MS. No 2967.*