

offered to prove lay within the sheriffdom of Forfar, and so the inhibition should stand good for these lands. And for this effect were alleged many inconveniences that might ensue, if it were not sufficient to inhibit a person personally, and at the market-cross of the sheriffdom, &c. where his lands lay, but also that he behoved to be inhibit at the market-cross of the sheriffdom, &c. where his dwelling-place was : Because a man, having all his lands lying in a sheriffdom, might be dwelling in a temple-house, which were hard for the inhibitor to know ; and so his inhibition should be null, if it were not executed also at Torphichen : Sicklike the Bass was instanced, which holds of the king the one half, and the other of the Bishop of St Andrew's. The Lords, in respect of the Act of Parliament, which was plain and strict, sustained the exception.

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1629. *February 4.* HELEN STRACHAN *against* The LAIRD of CRAIGIEVAR.

CRAIGIEVAR having granted a bond of 2300 merks to Mr James Irvine and Helen Strachan his spouse, and to the longest liver of them two ; she, after Mr James her husband's decease, charged for payment. Craigievar suspended upon this reason, That he was forced to pay a far greater sum for Sir William Irvine, for which he and Mr James were cautioners, and Mr James obliged for his relief ; in respect whereof he ought to compensate that sum with the other, which Mr James could not eschew, if he were alive ; and no more his wife. The Lords thought it could not compensate, in respect of the bond made to him and her, and which was made before that other wherein he and Mr James were cautioners.

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1629. *February 7.* The BAILIES of IRVINE, Petitioners.

THERE was a supplication, given in by the Bailies of Irvine, making mention that there was an action pursued before them, by one against another, for payment of £80 ; for proving whereof the pursuer was to use witnesses ; whereof some were dwelling in Ireland. Therefore they desired that the Lords would give them power to direct a commission to some person in Ireland, for taking of these men's oaths, if need were ; which they could not do, nor any inferior judge, of themselves, without the Lords' warrant. Which desire the Lords granted.

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1629. *February 10.* JOHN MAXWEL *against* ARCHBALD CRICHTON.

JOHN Maxwel, having obtained decret, before the Earl of Nithisdale's baron-bailie of Eskdale, against Archbald Crichton, did crave the Lords' decret,