

The Lords, in regard of the delivery of it blank, which made a great presumption for the defender, sustained it to be proven by these witnesses.

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1632. *November 17.* The EARL of KINGHORN *against* GEORGE STRANG.

IN summoning of witnesses that are out of the country, the whole terms of citation will be given upon sixty days; but, when it comes to horning and caption, the terms are not granted upon sixty days, but only an ordinary term assigned for these diligences. This being drawn in question, was found between George Strang and the Earl of Kinghorn.

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1632. *November 24.* JAMES ANNAND *against* WILLIAM ANNAND.

IN a registration of two bonds, pursued by Mr James Annand against Mr William Annand, as heir to his father, at least lawfully charged to enter heir, the defender took a day to renounce; upon which, after he had produced his renunciation, he proponed a peremptory exception to take away the bonds, which was relevant enough. But the Lords thought he had no place to propose any exception after he had renounced; for, by his renunciation, his interest ceased.

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1633. *January 20.* JAMES STEVINSON *against* CERTAIN INDWELLERS in DUMFERMLING.

IT is a privilege of all free burghs within this kingdom, that the burgesses therein may arrest any man, found within the same, to answer, as law will, for any debt contracted by them, in trading and buying of wares and commodities from burgesses, but not for any debt constituted by bond and obligation. For this same cause, James Stevinson, citizen in St Andrew's, having arrested certain persons, indwellers in Dumfermling, and caused them find caution within St Andrew's, to answer, before the provost and bailies of that town, for the price of a pack of lint they had bought from him; afterwards convenes them before the said magistrates: from whom the defenders sought to have the cause advocated, because the provost, &c. foresaids, could not be judges to them, then dwelling within another jurisdiction; yet the Lords remitted it to be judged by them, as competent judges in the cause, in respect of the caution found.

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