

in opposing them who strove to hinder the town to be made a burgh-royal. And so the Lords ordained so meikle to be given up again to the consigners, and the rest to the charger; and so suspended the letters, if he had no farther to say against the justness and quantity of the debt, or his portion contained in the stent-roll.

*Page 7.*

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1649. *June 19, 20, and 21.* THOMAS YOUNG *against* JAMES WRIGHT.

IN the action of removing at the instance of Mr Thomas Young against James Wright, his vassal, in some particular lands of Lenie, expressly designed and bounded in his infestment; the defender did except, that he could not remove from certain parcels of grass; because he and his authors, past memory of man, at least thirty or forty years, had the said parcels as parts and pertinents of the lands contained in his infestment. Whereto it was replied, That his infestment, so bounded, could not admit such pertinents; because he offered him to prove, that they lay discontinuous from his lands; and the said pursuer ought to be preferred, being *in libello*. Which the Lords admitted.

*Page 7.*

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1649. *June 21.* PATRICK MOUNSEIR *against* JOHN KILPATRICKE.

IN the suspension of Patrick Mounseir against John Kilpatricke, for the duty of a tack set to him by the said John, the Laird of Closeburn, maker of that right, by a former tack to the said John, would have compeared for his interest, to have annulled or taken away John his right of tack, by proponing some exceptions, and especially improbation; and that, because the same Mounseir was, immediately before, tenant to the said Laird. But the Lords found, That he had no interest to hinder the payment of the subtack-duty; let the Laird reduce or improve as he will be served.

*Page 8.*

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1649. *June 21.* WILLIAM DAWNIE and OTHERS *against* JOHN CRAIG.

IN the advocacy raised by William Dawnie and some tenants of Leith against John Craig, cook, of a process before the Sheriff of Edinburgh, for outquiting the said William his comprising by count-making with the said John, who had comprised the legal;—the Lords thought best to remit it to the sheriff-deputes, being men of understanding; notwithstanding the said William declared, That his comprising was to the minor's behoof; and that the minor hath been much circumvened, or else his predecessor, in giving such a bond to the said John. Whereupon it was thought more formal to intent action, if he thought himself prejudged.

*Page 8.*