

1649. July 4. JOHN PEATT *against* The POOR MAN GIB.

IN the suspension and improbation by John Peatt against the poor man Gib, before the trial of the alleged vitiation, *John* being made out of *James* : in respect he offered him to prove payment of the annualrent by the said John, and the said debt given up, at his marriage making, to Deanemilne ; *item*, the approbation of the witnesses inserted ;—the Lords, *ex officio nobili*, would have all these examined before answer given ; and directed letters for charging them to be given to the suspender.

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1649. July 4. ADAM MUSCHETT *against* JAMES RAITH.

IN the pursuit by Adam Muschett against Mr James Raith, the Lords would not have him to intent a declarator of the order used by umquhile Robert Forrester, bastard, to whose bastardy the said Adam was donatar, but ordained the said Adam to produce the order, and the said Mr James to object against it *hoc ordine*, without multiplying of process.—*See page 407.*

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1649. July 4. JOHN TURNBULL *against* ARCHIBALD MURRAY.

IN the pursuit at John Turnbull his instance, for his own horse, as he alleged, against Mr Archibald Murray, who did qualify also pregnantly the horse controverted on to be his ;—the Lords, before answer, would have them both to condescend on their witnesses, *ut dispicerent cujus testes essent magis laudandi.*

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1649. July 4. The MASTER of ORTAY *against* DAVID DUNMURE.

IN the suspension at the Master of Ortay his instance, against Mr David Dunmure, the Lords found retention due, and yet ordained expenses ; because, as if there had been *mora* since the obtaining of the decret against him as executor, there being no instrument of offer upon that condition.

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