

1670. *July 19.* The BISHOP of ARGYLE *against* WALKER.

THIS was an action against the defender to have him deprived from being commissary, for his malversation in the place; and his utter insufficiency to exercise the same, having neither law nor Latin.

*Act.* Thoirs.

*Alt.* Lockhart.

*Advocates' MS. No. 82, folio 82.*

1670. *July 20.*

THIS was a reduction, whereof the terms were run: and the pursuer seeking certification, it was ALLEGED, There could be no certification granted, because they had made a sufficient production, *viz.* of all such writs against which any special reason was libelled.

ANSWERED, Ought to be repelled, because the pursuer having called both for seasines and dispositions which were the grounds and warrands of these seasines, there are nothing produced but the seasines.

REPLIED, That the defender was content to declare that if the pursuer should reduce the seasines, that then the grounds and warrants thereof craved to be produced should fall *in consequentiam*.

DUPLIED, *Non relevat*, because if the dispositions were produced he would find such qualifications and conditions therein as would much further his cause, and therefore they must be produced.

TRIPLIED, There is nothing libelled upon such qualifications, and therefore the duply must be repelled.

The defender's declaration seems reasonable.

*Act.* Sinclair.

*Alt.* Lockhart.

*Advocates' MS. No. 83, folio 82.*

1670. *July 20.* PORTERFEILD of that Ilk *against* BELSCHES of Tofts.

THIS was an action for mails and duties of lands: against which it was alleged, that Tofts had a declarator of property of thir lands against the pursuer and others depending, which being heard in the Inner House sundry persons were appointed to be examined thereupon. The same is altogether prejudicial to this action, and this must cease till the declarator be discust.

The Lords DECERN in the mails and duties; superseding extract till the 1st of December, betwixt and which time Tofts may insist in his declarator.

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*Advocates' MS. No. 84, folio 83.*