

least Cassie's account was subscribed by him. And find Mr Henry Blyth's oath does not prove the allegiance referred thereto, anent the eases, abatements, and compositions he got from the respective creditors when he paid them ; and which eases would have accresced to the said George, because the said Mr Henry transacted only as his factor ; and therefore decerned.

But on a bill given in by George, the Lords, on the 16th of November, ordained Mr Henry to be examined anent the eases he got, because he had only deponed as to one creditor called Bennet ; and in the meantime stopped the decret.

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1681. *November 10.*—There was but slow procedure as yet in the Session, through the demur and interruption which Advocates and Agents made of taking the test enjoined by the late Act of Parliament.

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1681. *November 12.* SIR DAVID CARNEGIE OF PITTARROW *against* STRACHAN.

UPON a bill given in by Sir David Carnegie of Pitarrow, the Lords, by their deliverance, refused to force or oblige the charger to insist in discussing the reasons contained in Sir David's bill of suspension against one Strachan, charger ; but if the clerk of the bills (who stopped the passing or expeding the said bill on pretence that sufficient caution was not offered,) refused to accept of a sufficient cautioner, then the Lords allowed Pittarrow the suspender to protest against the clerk of the bills for damage.

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1681. *November 17.* GEORGE MITCHELSON *against* ROBERT MITCHELSON.

GEORGE Mitchelson in Dalkeith having charged Mr Robert Mitchelson, his son, on his bond, for payment of three hundred merks of annuity ; and he having suspended on sundry reasons,—the Lords looked on the son as very ungrate, the father having denuded himself of his all to him, save this aliment ; and, upon Lord Forret's report, repelled the whole reasons *quoad* the annuity ; but suspended the charge *quoad* the termly failyies and penalty of the bond, and as to seventy-seven pounds Scots acknowledged by the charger's oath to have been received by him ; and assoilyie from the suspender's reduction. And find the letters orderly proceeded for the rest of the bygone annuities, and in time coming, the term being first come and bygone ; but ordained the father, charger, upon payment made to him, to consent to the loosing of the arrestments laid on by him on his son's maills and duties. And modify an hundred merks Scots as damages sustained by the father, by the son's suffering the father to be distressed and imprisoned for these debts, for which he had granted back-bond to relieve his father, and obliged himself to pay them.

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