

lands lie. And, as to the incumbrance condescended upon by Claverhouse, of the reduction depending against Lauderdale at the instance of the Earl of Dundee's creditors for reducing his decret of recognition, the Lords appointed the Lord Pitmedden, before whom the same is depending, to discuss it summarily before the report come back of the value of the lands: and, in case the creditors do not insist, ordain Lauderdale to give him real warrandice against the inhibitions served upon the dependance. *Vide* 28th February 1684.

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February 28.—Claverhouse's cause against the Earl of Lauderdale, mentioned 31st January 1684, was called; and the Lords found they might advise it summarily without enrolling, it being a part of the king's cause; and that they cannot oblige Sir John Maitland to consent to his father's disposition to Claverhouse; but ordain the clerk to mark on the process that he was cited. And find, by the probation, that the twenty years' purchase of Dudhope, &c. comes to £6000 Scots; and, on his paying thereof, ordain the disposition to be delivered up to him before the 20th of March; betwixt and which time Lauderdale may obtain my Lord Maitland and his Lady's consent; otherwise ordain the decret to be extracted. *Vide* 29th March 1684.

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March 29.—The King's remission to the Earl of Lauderdale, and his son, came down; but a letter clogged it with two qualities:—1^{mo}, That he should perfect his disposition to Claverhouse, (*vide* 28th February 1684;) 2^{do}, That he should discharge his recourse of relief against Sir John Falconer, and the other officers of the Mint: and bore peremptorily that thir should be performed within eight days after sight; and if they were delayed, (which his Majesty would not believe,) then the remission not to be past the seals.

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1683 and 1684. JOHN STRACHAN *against* SIR ALEXANDER FORBES of TOLQUHON.

1683. *February 22.*—MR John Strachan, minister, and Sir Alexander Forbes of Tolquhon's cause being reported by Kemnay, the Lords found Sir Alexander Forbes had lost the cause, in regard, *pendente lite*, he had beat the pursuer. Though it was alleged the beating arose on another quarrel, and not upon this process; he having only forced him to obey a caption against him, by helping him on horseback: and that he had already paid 10,000 merks of fine imposed upon him by the Privy Council for that same fault, whereof the said minister had gotten 500 merks for his expenses; *et pænæ non debent acerbe bis exigi*: and that the libel was for vicarage teinds, which in whole were not worth 1000 merks; yet he had libelled 9000 merks.

The Lords repelled all this, and decerned for the whole. *Vol. I. Page 222.*

1684. *March 29.*—MR John Strachan, minister, his cause, against Tolquhon, mentioned 22d February 1683, was brought in summarily, and advised: and the Lords found he had lost the plea, because he had beat him *pendente lite*.

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