

at random, and were never authors, nor have any representing them *in rerum natura*.

The Lords, on Pitmedden's report, found, That all the authors in the list and condescence, *quoad* all writs specially libelled as flowing from them, ought to be cited, if the defenders give their oaths of calumny that they are truly authors to them in these lands. But, as to the general clause, "of and concerning these lands," ordain the defenders to take a term as to these, without citing of authors.

The words of the report and interlocutor, as they are written by the clerk, are :—Find the authors condescended on by the defenders, in the list given in by them, must be called *quoad* any writs granted by these authors to the defenders, they giving their oaths of calumny that these persons are their authors; but, as to the general clause of the summons, anent any other writs not granted by these authors, find the defenders must take a term to satisfy the production *quoad* these.

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1684. *November 14.* JAMES BERNARD *against* The BAILIE of CULROSS.

THE case of James Bernard, and the Bailie of Regality of Culross, was reported by Forret. Bernard being pursued there, for defaming his neighbour, and the libel being referred to his oath, he deponed *negative*; but, having omitted to sign his oath, an officer is sent after him, to bring him back again to the court, to see if he would sign it or not; who violently seizing on him by the elbows, a pin scratches the officer's cheek; he scarce felt it till he came up stairs; and, appearing before the Bailie, he asked him who had bled him, and he answering he knew not, he threatened him for colluding with the party, and presently fined Bernard in the sum of _____ as guilty of a riot, blood, and deforcement of their officer.

This being suspended, the Lords annulled the bailie's decret, as wanting probation, and assoilyed.

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1683 and 1684. HUGH WALLACE and W. WALLACE, *alias* BIGGAR, *against* PATRICK EDMONSTON of WOOLMET.

1683. *November 7.*—MAJOR Biggar having disponded his lands of Wolmet to Hugh Wallace's son; and he having raised a declarator, and being minor, they forgot, in the summons and executions, to insert his father's name as administrator to him, and joint pursuer.—Yet the Lords, on a bill, (though the youth was out of the country,) gave his father curator to him, for authorising him in this pursuit. *Vide 22d March 1684.*

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1683. *November 21 and 22.*—Hugh Wallace and William Wallace, *alias* Biggar, his son,—having obtained and extracted an act to prove that Patrick Edmonston of Wolmet was alive the time of his service, (which was done upon