

1685. *December 12.* The DUKE of HAMILTON'S SON *against* The EARL of LITHGOW'S SON.

MUTUAL bills having been given in, for sequestrating the rents of the estate of Callander, during the dependance of the plea betwixt Duke Hamilton's Son and the Earl of Lithgow's Son; the Lords nominated John Keirie of Gogar to uplift the same, *medio tempore*. *Vol. I. Page 384.*

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1685. The TOWN of EDINBURGH *against* The TOWN CLERKS.

*November 28.*—PATRICK Sime, clerk of the Cannongate, dying, a competition arose between the Town Council of Edinburgh, pretending they had the right to put in another clerk, and that their clerks had resigned this; and Mr John Richardson and John Drummond, the Town-clerks, alleging it was a perquisite of their office, and that they had been in the use and possession of placing clerks and deputes there. *Vide more, 12th December 1685.*

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*December 12.*—A question having arisen betwixt the Magistrates of Edinburgh and their Clerks, anent the clerkship of the Cannongate, as mentioned 28th November 1685; and the Magistrates having commanded their two clerks to produce their right to the office, if it extended to the Cannongate; they in the mean time give a commission and deputation to Mr William Syme, brother to Patrick, who formerly enjoyed it a short time, though he gave a good sum for it; and he thereon raised an advocacy of the affair from the Town Council; who taking this for an affront, they convene their clerks, and, with the concurrence of the king's advocate as their assessor, suspended them from their place, on thir grounds of malversation, That they had given a deputation while the Magistrates were taking cognition of their right; and that they, at least Mr William Syme, their depute, had declined the Magistrates' jurisdiction by the advocacy. What emboldened the Provost the more to proceed thus summarily, was a recommendation from Secretary Melfort to put Cathcart of Carbiston, Sir James Rocheid's son-in-law, into that place, which he had formerly possessed, and was turned out. The Town Council, during the suspension, authorised Alexander Gray to subscribe and officiate; and they required them by way of instrument to deliver up the keys of the charter-chest. The clerks, to get themselves reponed, did offer humble submissions; but it was required that they and Mr William Syme should pass from their claim, (though his brother had got little for his money,) to the Cannongate clerkship; and on the 18th of December they are reponed to their place, but required to submit. The king's advocate gave his opinion, that Carbiston might be summarily reponed; but Sir George Lockhart said, their gift could not be quarellled but in a reduction. And accordingly they summarily repossessed Carbiston to the clerkship of the Cannongate.