

Carse ; the Lords assoilyied from Wilson's reduction ; and find he must transfer the whole process, even those interlocutors that had been given after Ratho's death, on Mr Lermont's bills and representations. *Vide* 23d February 1688. *Vol. I. Page 408.*

See the prior and posterior parts of the report of this case pointed out in the Index to the Decisions.

1686. *March 18.* THOMAS HAY of BALHOUSIE *against* NEVOY of that Ilk.

THE case of Thomas Hay of Balhousie against Nevoy of that Ilk, was reported by Marcus : it was a pursuit for mails and duties of the dumb man's lands, whom the late Lord Nevoy had in custody. ALLEGED,—1mo, The dumb man's infetment could not be reduced, *quod erat mutus* ; for Craig is clear that both *muti et surdi* are *feudorum capaces*, and so is Matthæus, *de Afflict. ad Consuetudines Feudorum*. 2do, These rents were *bona fide consumpti et percepti*, by a lawful title of an act of the Lords, modifying his aliment to 1600 merks.

Yet the Lords restricted the aliment to heir, to count for the remanent. and ordained the defender, his *Vol. I. Page 408.*

1685 and 1686. The EARL of LAUDERDALE *against* The EARL of ABERDEEN.

1685. *March 31.*—THE Earl of Aberdeen gave in a bill against Lauderdale, craving, in regard he was going North, that no witnesses might be examined at Lauderdale's instance, against him in the Vacance.

The Lords refused the bill, but stinted the probation to be betwixt the 26th of April and 10th of May, when all parties will be in town at the Parliament.

*Vol. I. Page 360.*

1686. *March 23.*—There is a letter from his Majesty to the Session, stopping the process betwixt the Earls of Lauderdale and Aberdeen, anent the Mint decret, and the concussion and extortion of the bond, *sive die*, but during his Majesty's pleasure. This was complained of as *pessimi exempli* to property ; yet they founded on the 18th Act of Parliament 1681, giving the King a cumulative power to evoke any cause ; and that this was his own, and a gift flowing from himself.

*Vol. I. Page 409.*

1685 and 1686. GEORGE SUITY of BALGONE and JOHN CUNNINGHAM *against* JOHN and JAMES HAY.

See the prior part of the Report of this case, Dictionary, page 14,340.

1685. *March 20.*—JOHN Hay having raised a declarator, mentioned 13th