

TRIPLED,—Her oath was craved, not to constitute a debt on her husband, but to liberate from one.

The Lords, on Tarbet's report, ordained them both jointly to give their oaths of calumny; at which the Duke, being dissatisfied, procured it to be heard in presence.

*Vol. I. Page 472.*

1687. July 29. The CHANCELLOR *against* JOHN BALLANTINE.

THE Chancellor pursues John Ballantine, keeper of the advocates' bar, for the maills and duties of some lands. He defends on a charter and seasine from the late Argyle. ALLEGED,—It was depositated, and Sir Colin Campbell of Arbruchel has, on oath, declared the terms, and that the Earl had recalled it. ANSWERED,—It did not appear that Sir Colin was depositary, (which ought to have been first proven;) and his charter and seasine could not be taken away by a single testimony, but by his own oath or writ, he being in possession by virtue thereof.

Yet the Lords found the charter was only a depositated evident; and annulled the seasine.

*Vol. I. Page 472.*

1687. July 29. CHARLES HOME of AYTONE and SIR WILLIAM PURVES *against* JAMES KEITH.

See the prior parts of the Report of this case, Dictionary, pages 13,253, 9,500, and 354.

Mr Charles Home, of Aytone, as having right, from Sir William Purves, his father-in-law, to that debt owing by the Earl of Marishall, (mentioned 20th December 1683,) insists against Mr James Keith, writer; and it was debated this day.

*Vol. I. Page 472.*

1687. July 29. LAUDER, &c. *against* TROTTERS.

COLIN Lauder, George Mosman, and William Paton, their bill against Janet Trotter was read, craving up the goods dispoed by her since she had taken a *cessio bonorum* on her consigning the said disposition, and that she ought not *lucrari* by retaining these goods.

The Lords ordained her to be pursued by way of action.

*Vol. I. Page 472.*