

1687. November 8. SIR WILLIAM SHARP of SCOTSCRAIG *against* LORD SINCLAIR and HIS LADY.

SIR William Sharp of Scotsraig pursues the Lord Sinclair and his Lady, for restitution of some silver-plate and jewels which were in Sir William his uncle's possession a little before his death, *rei vindicatione*. Their defence was, that they were gifted. And both the libel and defence were admitted to probation. They had likewise a disposition to them from Sir William ; but they did not make use of it, because it was holograph, and did not astruct its own date, and so was presumed as granted *in lecto*, which would make it only sustain as a legacy, which was not so safe for my Lord ; because, though there was no legitim due here, (old Sir William wanting bairns,) yet he having moveable debts that would more than exhaust it, these would be preferred to this legacy.

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1687. November 9. JOHN INGLIS, Factor for Street and Jackson, *against* JOHN FORREST.

Was debated the cause of John Inglis, advocate, as factor for Street and Jackson, English merchants, (who, in 1674, obtained decret against Mason,) for improving a false charge of horning made by John Forrest, writer, now in prison upon the suspicion of this forgery, and given without any letters of horning or other preceding warrant, only to fear the tenants of these lands beside Calder. Forrest pretended John Inglis had done it himself, and had caused write the letter to the messenger, and yet laid it all in his name.

But, on the 6th July 1688, the Lords found him guilty on the presumptions ; and at last he confessed it.

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1687. November 9. JOHN BAYN, Petitioner.

JAMES, late Earl of Home, having deprived John Bayn, Sheriff-clerk of the Merse, from his office, in September last, a little before his death, on this ground, that he had registrate a bond in his sheriff-court books, though the debtor lived not in his shire, but in England ; and, by the Act of Parliament 1685, to registrate writs incompetently is deprivation, and a fine of 500 merks ; though he alledged for himself that the bond designed the debtor, now in Coldstream ; but that was found to be interlined, and a mockery, for he was not dwelling there, but only drinking in the town at that time, which made it not *forum competens* to him :

John gives in a bill to the Lords, representing how summarily and unjustly he was thrust out from his office ; and craving to be repossessed.