

## CAUTION IN TRESPASS.

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1743. February 4. ST MARY'S CHAPEL *against* KELLY.

No 1.

**J**OHN KELLY, wright in Portsburgh, having wrought and put up some sash windows in a house in Edinburgh, the Incorporation of Mary's Chapel raised a process against him before the Sheriff, concluding for payment of a large fine, and likewise that he should find caution not to trespass in time coming. In an advocacy of the cause, the LORDS remitted to the Sheriff with instructions, That the defender should not be obliged to find such caution. *See* No 64. p. 1931.

*Fol. Dic. v. 3. p. 116.*

*See* Dickson *against* Dickson, 7th December 1780. Fac. Col. No 5. p. 10. B.  
*voce* FIAR.

*See* APPENDIX.