

1649. *July 3.* HERREIS and His SPOUSE *against* GIBSONE.

IN the spuilie pursued by Herreis and his spouse against Gibsone, the exception of lawful poinding was repelled, in respect of the reply, That the pursuer offered him to prove, that the gear spuilied, as is libelled, was bought by the pursuer, and brought upon the ground possessed by the woman whom he was to marry, and so belonged not to the executors of his defunct debtor. And where it was duplied, That they offered them to prove, that those same goods craved were in their own possession;—it was triplid, That they had brought them back from one Greirson, who had given bond for the same to the defenders. Which also was sustained in fortification of the reply.

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1649. *July 3.* MOODIE *against* ROLLOCKE.

IN the suspension pursued by Moodie against Rollocke, the said Moodie was not reponed to his oath, but decret of exhibition sustained, upon that he had confessed the having of the writs, in judgment; suppose, when a day was assign-to him to depone, he did absent himself, and so was holden as confessed.

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1649. *July 3.* WATSONE *against* CRAWFURD.

IN the suspension by Watsone against Crawford, the probation of the decret given by the commissaries of Edinburgh adminiculated by the pursuer his oath, as their use is, *ad probationem semiplenam jvandam*, was sustained.

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1649. *July 3.* SOMERVAILL and GARDINE *against* JOHN STRATOUNE.

IN the advocation by Somervail and Gardine against John Stratoune, there was a reason of iniquity libelled, that the commissaries had repelled their exception of prescription in the Act 83, Parliament 6, James VI. Which the Lords found no iniquity, in respect of the reply, That it was for the entertainment of a pupil recommended by a letter of the father from Germany to the