

1649. *November 29.* STEWART *against* CUBIESONE.

IN a process betwixt Stewart and Cubiesone, it was alleged, That the title of the testament, confirmed in Glasgow, could not be sustained, because the defunct died upon the sea; but the Lords thought that such a case was not reserved by the Act of Parliament to the commissaries of Edinburgh.

*Page 74.*

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1649. *November 29.* MONTGOMERIE *against* DALRUMPLE.

IN the suspension by Montgomerie against Dalrump, compensation for something assigned by the principal, Josia Stueart, to his cautioner, Montgomery, *in favorem fidejussoris*, and a recompensation opposed by Dalrump, was rejected.

*Page 74.*

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1649. *November 29.* The LAIRD of CLOSBURNE *against* MAJOR GILPATRICK.

IN that great dispute of a redemption, used by the Laird of Closburne against Major Gilpatrick,—the order used at Martinmas 1648 was sustained, without a real numeration, upon production of many bags of money, sealed, at the Whitsunday before, with the Major's seal, tickets of his own writ being yet to be found within.

*Page 74.*

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1649. *November 30.* LUMSDENE of BLANERNE *against* PATRICK MAER.

IN the suspension against Maer, above mentioned, [page 423,] they proponed, on an eik, that the debt was paid by him, whom they were obliged to relieve, at least, by some other of a number that were bound to umquhile Mr John Arthur, from whom the said Maer got assignation. And the Lords, that there should be no new suspension, sustained it to be proven by writ or oath of party, giving only one term of two months.

*Page 75.*

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1649. *November 30.* PATRICK CHAMBERS *against* HUGH LINDSAY.

HUGH Lindsay, commissary-clerk of St Andrew's, obtained decret to make furthcoming a sum arrested by virtue of the commissary's precept, in the hands of Patrick Chambers, as owing by him to James Goodlette, who was debtor in a