

1649. *December 20.* RONALD SCOT *against* RAMSAY of WHYTEHILL.

IN the suspension, Ronald Scot against Ramsay of Whytehill, his master, who had charged upon a bond,—the reason being proponed upon a nullity, that there were but two notaries and three witnesses, was repelled,—ilk one of the notaries being witness to the other's subscription: especially, betwixt tenant and master, for the duty of land possessed by the tenant.

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1649. *December 20.* CAMPBELL and GLADSTONES *against* THOMAS MAKGILL.

IN the suspension against Mr Thomas Makgill, upon a bond granted by Campbell and Gladstones, the reason [was] upon a decret, obtained before the bailies, for re-delivering of the said bond, which was long since registrate, and now charged upon. The Lords would see the process whereupon the said decret was given, because it seemed to be given without probation, at least the diets confounded: and, as to the matter itself, the bond, registrate long before the decret, could not be taken out of the register; likeas, it behoved to stand there, to prove *precariam possessionem*, for suffering the suspender's chimney-heads to be amended, by making a scaffold upon the said Mr Thomas his roof to that effect; and the most they could crave was a discharge to be registrate, if the damage contained in the said bond was satisfied.

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1649. *December 21.* RANKEILLOUR SIBBALD *against* LAIRD LESLIE, NEWTOUNE GORDONE, and AVACHIE.

IN the action of suspension, Rankeillour Sibbald against Laird Leslie, Newtounne Gordone, and Avachie,—suppose the Lords,—in a former decret, wherein Rankeillour had given his oath upon an arrestment used by Laird Leslie for a debt aughting to him by the said Laird of Newtounne, to whom Rankeillour was debtor,—had decerned against him, at Laird Leslie his instance; yet the Lords thought the reason of suspension reasonable and relevant, that he had retention of the 5000 merks addebted to Newtounne, in respect of Newtounne's back-bond to Rankeillour, dated some few days after the contract of marriage, aye and while his daughter had been secured of her conjunct-fee and liferent; for the which Rankeillour has done diligence since syne, in putting Newtounne to the horn, he not being able to do any farther; and, in the meantime, he has but the retention of a part of the tocher for entertaining his daughter, who has nothing else.

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