

orative thereof, as aughting by another bond, which should have been paid before this, which was alleged to have been lost or miscarried coming from London by packet to Robert Ingles, and therefore action had been intented before the sheriff of Edinburgh *in anno* 1645; referring the same to the said George his oath: which he essonyied to give, upon that, That the procuratory was but general, and he had no special power to refer it to oath, if perchance the foresaid bond might come again into the hands of Waldo. The Lords thought fit, before answer, to try Robert Ingles, the executor himself, Mr John Gilmour, procurator for the said George, and also George Arnot, Waldo, and his copartner, their books of accounts.

Page 143.

1650. *January* 8. FRASER *against* GRANT OF BALLANDALLOCH.

IN the action of suspension, Fraser, minister, *against* Grant of Ballandalloch, the bond charged upon,—being for bygone maintenance, suppose he alleged, Extorted through fear of plundering,—was found to be *debitum fundi*.

Page 144.

1650. *January* 9. DR KINCADE *against* _____.

IN the action between umquhile Dr Kincade his heir of line, for his heirship goods, and the Laird of Coekburne, his executor, anent the best book amongst his books; question being made, the Lords found, That the whole works of an author named Aldromaldus, contained in sundry volumes, behoved to be esteemed the best book; as if *corpus juris* were sought, or the great Bible in sundry volumes, containing all languages, or the works of Suarez, or sicklike.

Page 144.

1650. *January* 9. KNOLLES *against* The LAIRD OF SMETOUNE.

IN the exhibition pursued by Knolles against the Laird of Smetoune,—notwithstanding the writs exhibited according to the inventory subscribed by their predecessors, to whom they were charged to enter heir, and the contract of marriage craved to be registrate against them; notwithstanding the laird's oath given, the Lords found, That the lady behoved to give hers also, and to give a commission for that effect.

Page 145.

1650. *January* 9. SMETOUNE RICHIESONE *against* ROBERT.

IN the suspension by Smetoune Richiesone against Robert, some time his tu-