

saries of Edinburgh, for giving up inventory, and hath obtained decret for that effect against him, being the husband ; so that *per eum stat* that the testament is not confirmed, and so things not made liquid, through his own default.

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1650. *January 10.* The EARL of ROXBURGHE *against* his TENANTS of MAZENDUE.

IN the action of removing pursued by the Earl of Roxburghe against his tenants of Mazendue, which is the hospital of Jedburgh ;—the presbytery thereof, admitted for their interest, did propone upon the Acts of Parliament anent hospitals, That the chancellor and bishops, in whose place the presbytery has succeeded, should visit all such religious houses, to see there be no dilapidation nor wrong usage of the mails and duties appertaining thereto. The which the Lords did not respect in this judgment possessory ; reserving what could be said against the pursuer and his rights, *in petitorio*.

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1650. *January 10.* GEORGE LOGANE *against* ALEXANDER WALLACE.

IN the suspension by George Logane against Alexander Wallace, charging for 1000 merks upon bond ; the reason founded upon many bolls of meal and oats resting aughting by the charger to the suspender, was found relevant to be proven by witnesses, even against writ : since the same Wallace, charger, had confessed, in a pursuit at James Scot of Montros his instance, for certain victual, that he was aughting this victual to the suspender : suppose the confession was not subscribed by him, but by the clerk of the court of Striveling, as it were by way of instrument ; and so might be a great adminicle, suppose not a sufficient probation.

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1650. *January 10.* The EARL of HOME *against* BRUNTFEILD.

IN the suspension, Earl of Home against Bruntfeild, who had obtained decret of removing against the Earl, before the Sheriff of Berwick, *in foro contradictorio*, being infest upon the Earl's refusal, who was charged by precepts out of the chancellary, by the Sheriff of Berwick, the King's officer, the Earl having lost, for that time, the superiority ;—the Lords condemned the suspender in £40 of expenses, and would have put him into far more, in respect of the great charges that Bruntfeild has been put to, first and last.

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