

1686. *December 1.* The LITSTERS of EDINBURGH *against* The LITSTERS of the
CANONGATE.

THE Litsters of Edinburgh being erected by the Town-Council of Edinburgh, with the Bonnet-makers, on a recommendation from the Parliament, in 1681, with the privilege of excluding all others not tried by them, within the Town's liberties; they pursue a reduction and declarator against the Litsters of the Canongate, that they have no right to work without their license.

ALLEGED,—The Edinburgh Litsters, pursuers, had no interest to crave production of their writs and rights from the Barons of Brughton, and other authors, they showing no right from them. ANSWERED,—They derived right from the Parliament, where all Scotland was represented, and so might call for all their rights.

The Lords, on Saline's report, found the defenders obliged to produce all rights derived by them from the town of Edinburgh, the pursuers' immediate authors; but not their rights from the Barons of Brughton, except they produced the Town's right from the Ballendens of Brughton. See Stair, *24th November 1671, E. Sutherland, &c.* how far one nobleman can force the production of another's patents, wherein he has no interest, but only claims precedence. *Vol. I. Page 433.*

1685 and 1686. JAMES KINLOCH and PATRICK (OR WILLIAM) SYME *against*
CHARLES OLIPHANT and LORD TORPHICHEN.

1685. *January 23.*—IN the case of Mr James Kinloch and Patrick Syme, against Charles Oliphant, clerk, the Lords, on Kemnay's report, before answer, ordain witnesses to be examined *ex officio* on the matters of fact undermentioned, *viz.* if they heard Charles Oliphant say, that he esteemed the right made to him not to be worth a sixpence: as also the witnesses present at the communing between the said Mr James Kinloch and Charles Oliphant, whereby it is alleged that the bargain was deserted, and Charles got 1000 merks in satisfaction of his damage by deserting the transaction, to be examined what passed at the said communing. And ordain Charles to condescend, if the said disposition was in his hand shortly before Mr James Kinloch's death, and at what time it was: and ordain the pursuer to condescend on the names of the witnesses to be examined. And, in the mean time, recommend to the Lords Castlehill and Marcus to endeavour to settle the parties. *Vide 3d December 1686.*

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1686. *December 3.*—The Lords having advised the cause between Mr William Syme, Charles Oliphant, and Lord Torphichen, mentioned *23d January 1685*; they preferred Charles's disposition from Mr James Kinloch, though base and gratuitous, without onerous causes, to a posterior disposition given by the said Mr James to Mr William Syme, whose sisters had paid debt for him, and relieved him out of the Tolbooth; though there were great adminicles of contrivance against Charles's right. *Vol. I. Page 434.*