

the Apothecaries gave in a petition to the Lords, complaining, that the Town of Edinburgh had vilipended and contemned their authority and act foresaid.

The Lords rescinded the Town-Council's nomination, and appointed John Foulis, apothecary, to be visitor for this year; and called in the Town's assessors and reproved them, for giving the Town advice to contradict the Lords' Acts, and to vote their decreets in their Council; seeing this was still to keep up the two trades in one, which the Lords had separated. They farther craved, in their bill, that the Lords would empower the calling of the simple Apothecaries to name a visitor to themselves: but the Lords would not grant this.

*Vol. I. Page 357.*

1686. *December 18.*—The simple Apothecaries of Edinburgh gave in a petition against the Magistrates thereof and the Chirurgeon-apothecaries; complaining, that though the Lords had, by their decret, separated the two callings, and appointed the visitor of the apothecaries to be only chosen out of themselves, (*vide* 20th March 1685,) yet they had so far contemned this, as to choose a chirurgeon-apothecary visitor, and even before John Joussie's year was out. The TOWN ANSWERED,—They were *in bona fide*; for the chirurgeon-apothecaries produced a new gift to them from the King, restoring them to all their privileges, and particularly to that of visiting the drugs, &c.

The Lords being dissatisfied with the impetrating these gifts to the hindrance of justice, ordained first the said gift to be produced; which not being done, they annulled John Baillie's nomination to be visitor, as being done by precipitation, before the other's year was out.

*Vol. I. Page 439.*

1687. *June 30.*—The simple Apothecaries of Edinburgh having complained upon the Chirurgeon-apothecaries, that they had prevailed with the Town-Council to name one of them for a visitor; the Lords cassed the nomination, and appointed Hugh Neilson visitor for the year ensuing. *Vol. I. Page 462.*

See the College of Physicians of Edinburgh against George Stirling, an Apothecary, *supra*, page 366.

1687. *July 2.* DAVID LINDSAY *against* VANSOLINGEM and COLMAR.

IN the action pursued by David Lindsay, Secretary Melfort's servant, against Vansolingem and Colmar, the Dutch printers, and John Coupar and Mr Charles Lumsden, their cautioners; Magnus Prince and Captain Collison, the two arbiters, having pronounced a decret-arbitral in favours of David Lindsay, on this colour, that the Dutchmen acknowledged, before them, the truth of the articles of his charge; and it being represented that they were strangers, ignorant of the language, and so might easily mistake; and that such confessions did not bind, except they were subscribed, as was found in Stair, *24th July 1661, Buchanan*;—the Lords had ordained the arbiters to be examined on what evidences they decerned, and what articles were acknowledged: and the Lords having advised their depositions, it was ALLEGED, for the Printers,—That the decret-arbitral differed both from David Lindsay's count-book, under his own hand, and from a prior stated account of Captain Collison's.

The Lords, before sentence, recommended to the Lord Drumcairn to consider the account now produced, which is alleged to be Robert Collison's hand-writ, and to compare the same with the other account that is stated by him and Magnus Prince, whereon the decret proceeded; and if he find there is any contradiction or disconformity betwixt them, that he examine him upon the ground of the alteration.

*Vol. I. Page 463.*

---

1687. *July 5.* JOHN RICHARDSON and ALEXANDER CRAWFURD *against* The FACULTY OF ADVOCATES.

MR John Richardson, and Mr Alexander Crawford, advocates, who had entered by bills, declining to pay their whole 1000 merks, the Faculty ordered their gowns to be sequestrated, and they to be debarred, and kept out. Whereupon they complained to the Lords, who so far countenanced them, as to ordain their gowns to be restored, seeing that would break their employments; and seeing they had given bond, the Lords allowed to proceed *viâ ordinariâ* against them by horning: and being charged, they gave in bills of suspension, which were debated and determined on the 12th of July. Their reasons were:—they ought to be exemed, *1mo*, Because several in their circumstances had been dispensed with. *2do*, That it was contrary to the nature of a liberal science, *prætio nummario dehonestari*, and was only for mechanics; and that the Act of Sederunt in 1679, in *Nairn of Greenyard's case*, favoured them. ANSWERED,—Any dispensations given, were for such as entered prior to the Act of Sederunt 1684, which abrogated that in 1679.

The President inclined there should be no difference in the sum for the manner of entry. But it was carried against him, and the letters were found orderly proceeded; so they made payment of their other moiety of 500 merks.

*Vol. I. Page 463.*

---

1686 and 1687. SIR THOMAS NICOLSON of TULLICOULTRY *against* The LAIRD of CARNOCK'S HEIRS.

1686. *September 3.*—THE Lord Napier (who was also Laird of Carnock,) dying in France, his maternal estate of Napier went to his aunt Madam Birsbane; but his father's fortune (which was the best,) fell in debate, between Sir William Nicolson of Tillicoultry, as heir-male and of tailyie, and the three daughters of Sir Thomas Nicolson, as heirs of line, married to Greenock, Mochrum, and Bancriff; who raising brieves to serve, a bill of advocation thereof was presented by Tillicoultry, as served heir-male in general, and having a declarator of his right depending, which was *actio præjudicialis; et, lite pendente, nihil est innovandum*. ANSWERED,—*1mo*, The design of his declarator was, that they, as lineal heirs, should enter and denude; which they could