

to come in and depone ; but because the decret was taken for the violent profits of a horse alleged spuilyied, and libelled to be worth L.72, yet the decret was for 2300 merks, a most exorbitant sum.

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1693. *January 20.* WILLIAM KINTORE and MR. GEORGE DICKSON *against* Sir JOHN HOME of Blackadder.

The Lords thought Blackadder's compensation very narrow and unclear. And therefore, before answer, ordained the Laird of Cokburn to depone if he has that letter from Blackadder to him, empowering Cokburn to pay L.200 Scots to the deceased Mr. Robert Dickson of Bughtrig, that it may appear whether it was only to him as trustee, or for his pains, or some other ground of debt.

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1693. *January 20.* MR. RICHARD SHERIFF *against* JOHN WALKER in Beinston.

THE Lords turned the decret of the Sheriff of Haddington into a libel, in regard he proceeded after there was a bill of advocation presented, and the cause advocated, and appointed to be discussed upon the bill, and the bill taken up by the pursuer's advocates, and thus intimated to the Sheriff. Though neither the bill or the copy was produced to him, yet the Lords found he was in *mala fide* to proceed; especially seeing it is to be presumed the party was also advertised of this bill by his advocates. But in regard a probation was led by witnesses, and that it was hard to cause them repeat it over again, being expensive, and, besides, some of them might be dead, therefore they ordained the probation to be transmitted: *Imo*, To see if it was taken before, or after the giving in of the bill of advocation; and, *2do*, To allow the other to give in what objections he has against the same.

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1693. *January 20.* JOHN WILSON, Fiscal of Cumnock, *against* WILLIAM CRAWFORD of Dalligles.

JOHN WILSON, procurator-fiscal of the Regality of Cumnock, against Mr. William Crawford of Dalligles. The Lords found little matter of riot in the master's hindering his tenant to stack in that barn yard, and casting down some of the sheaffs; but considered his contempt of the Judge, and his vilipending expressions and carriage, and thought that deserved a fine; and therefore sustained the decret *quoad* L.100 Scots, which was the half of the fine the bailie had imposed; because the face of authority is to be kept up and maintained. And repelled that allegiance, that the fiscal could not pursue this without the party injured his concurrence.

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