

tive, and made no alteration of the former act, and therefore adhered ;—looking on the act as severe enough without the help of any extension. This was carried by six votes against five. *Vol. I. Page 570.*

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1693. *November 18.* MR ROBERT KEITH of LENTUSH *against* JOHN DAVIDSON.

ON a petition given in by Mr Robert Keith of Lentush, against John Davidson, the President and some of the Lords demurred to modify expenses against Lentush as a calumnious litigant, though he succumbed, and the charger had denied the reason of suspension upon oath ; seeing he had required his oath of calumny, if he had just ground to propone that reason, and he had given it in the affirmative ; which is like a transaction ; and, being *juratum*, it must at least liberate him from expenses as *temere litigans*. But, before answer, they ordained the agent to depone on the truth of the debursement of the expenses in the account ; which was also alleged to be exorbitant. *Vol. I. Page 570.*

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1693. *November 22.* LOCKERBIE'S CREDITORS *against* LADY LOCKERBIE.

UPON a bill given in by Hill and Johnston, and other creditors of Lockerbie, against the Lady, bearing, that she had taken decreets before inferior courts against the tenants, and was threatening to distress them, albeit the competition and ranking was depending before the Lords ; whereas, *lite pendente nihil est innovandum*, and craving that they might be recalled, and execution sisted thereon :—

The Lords thought it unwarrantable, yet would not grant any such general order ; but thought it was more formal, that, if they were yet depending processes, bills of advocation might be given in thereon ; and, if decreets were passed, that suspension might be expedite thereof without caution or consignation. *Vol. I. Page 570.*

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1693. *November 23.* The LADY ST. JOHNSCLEUGH, and ROBERT MUIRHEAD her Husband, *against* The LAIRD of COVINGTON'S CREDITORS.

THE Lady St. Johnscleugh, and Robert Muirhead, her husband, gave in a bill against the sale of Covington, that it was done in June, when there was no Session, that diet having been set on a supposition that the Session would be then sitting ; and that Castlehill, who made the greatest offer, was one of Covington's interdictors ; and that sundry things, and particularly a superiority, were omitted to be valued.

The Lords refused their grounds ; considering, that, if they loosed such judicial venditions on niceties, this great security would prove ineffectual ; and that Castlehill did not buy *proprio nomine*, but for his pupil and nephew, Carnwath, and that there was another interdictor ; but allowed them to be heard, whether that superiority should be included in the sale or not, and if it was formerly rentalled, and if the debtor was in possession of it. *Vol. I. Page 570.*