

that the said Gabriel, being called for his interest, might, notwithstanding the renunciation produced, propone the foresaid allegiance.

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1649. *December 27.* The Poor Woman MARTINE *against* HOME.

THE poor woman Martine, in the pursuit of reduction, *propter matrimonium non secutum*, of a disposition made, *intuitu matrimonii*, is assoilyied from any charges alleged made by the bastard, who was to marry her, and whose gift of bastardy, the defender, Home, had taken; and she preferred to prove, that she put him in possession of a going mill and houses noways ruinous, so that the maills and duties might supply all, being intromitted with by him. Neither can the infestment be thought profitably purchased from the house of Coldinghame, since the king was become superior.

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1649. *December 29.* WALTER KINNAIRD of COUBINE *against* WALTER CHAMBERS.

It was found farther for Chambers against Coxtoune's cautioner, that, seeing he could not repossess him, he should be liable for the principal sum and bygone annuals, although there was no requisition granted by the contract of wadset; because that was alleged to be Chambers's damage and interest, and the cautioner would get his relief off his friend Coxtoune, being thought to have borrowed his brother's name for eluding the poor man.—*See page 445.*

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1649. *December 29.* GLADSTONES *against* The SHERIFF of TEVIOTDAILL.

THE letters were found orderly proceeded at Gladstones's instance against the Sheriff of Teviotdaill, for entering him to the possession of certain lands. And the words of an alternative, "or to suffer him to enter," were not respected; because he had suffered his eldest son to take a new right of the said lands for debarring the poor man. And the Lords decerned for the bygone maills, with £100 of expenses if he entered him betwixt and Whitsunday; otherwise, that the whole 500 merks decerned of before should stand.

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1649. *December 29.* ROBERT NAIRNE *against* MOUBRAY and JARVIE.

IN the summons of double pointing raised by Mr Robert Nairne against