

to erect them into deaconries; but allowed the Magistrates yearly to name visitors or overseers for every trade, to be accountable to them; and appoint the Trades to make the third part of the Town-Council, *viz.* seven;—the merchants, maltmen, and seamen, making the other two parts.

The Trades were craving more.

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1678 and 1681. WILLIAM VEITCH *against* PETER PALLAT and THOMAS WILSON.

1678. *July 21.*—IN an improbation, pursued by Peter Pallat and Thomas Wilson, his factor, against William Veitch, for producing a gift of one Sanderson's escheat, granted to David Rodger in the time of the English usurpation, when the back-bond and conditions of the gift were inserted in the body thereof:

It WAS ALLEGED,—1st, That, being *in publica custodia*, it needed not be produced; but only condescend upon the date. ANSWERED,—That brocard held only where the principal was left at the Register, but not where they got the principal; and the Register only kept a copy, as in seasines, reversions, hornings, gifts of escheat, &c.

2do, ALLEGED,—That, in a former debate betwixt the parties, it was produced in process, and the Act bears so, which is *probatio probata*, so that it needs not to be produced now. ANSWERED,—*Nullo modo relevat* to stop certification, if it be not produced now; else it were easy to steal up a false paper, after production, and thereby shun the improving thereof.

Yet it was informed, that, in a case between *Grant of Ballindalloch* and *Grant of Dalvey*, this same allegiance was sustained and found sufficient to stop certification. See *Stair, 22d January 1662, Earl of Marr.*

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1681. *January 20.*—Veitch and Pallat's case was advised, and Veitch preferred, because Pallat's papers, adduced by him *in modum probationis* to instruct Sanderson had a visible estate, and that the bond was for anterior furnished wine, were amissing. But, being afterwards found, the Lords, on a bill given in by Thomas Wilson, Pallat's factor, stopped all till they had fully advised the probation.

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1681. *January 22.* DRUMMOND of CARLOWIE *against* SIR JOHN DALRYMPLE and GEORGE YOUNG.

See the prior part of this case, *Dict.* page 15,645.

IN the cause, Sir John Dalrymple and George Young, his assignee, (16th Nov. 1680,) the Lords found,—in vicarage-teinds, such as calves, lambs, &c. where they are fewer than ten and above five, because a half lamb cannot be paid *salva rei substantia*, and without destruction of the animal,—that the value