

1683. *December 12.* The STEWARD of PERTH *against* ———.

A CAUSE of Steward of the Stewartry of Perth, under my Lord Perth, was reported by the Clerk-register, craving a modification of £100 Scots of fine imposed by him for a petty riot of taking away two pecks of corn; seeing such fines ought not to exceed £50. ANSWERED,—In a former suspension now discussed, where they debated his jurisdiction, this was competent and omitted.

REPLIED,—Competent and omitted does not hold in suspensions. DUPLIED,—That does hold, if the craving the abatement of the fine as too exorbitant had not been a libelled reason of suspension in the very letters of suspension, but not insisted on at the debate.

The Lords found he could not crave a rectification or restriction of the fine now. *Vol. I. Page 250.*

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1683. *December 15.* ANDREW FOSTER *against* MERSTON.

ANDREW FOSTER, bowmaker, and Merston, having mutual processes, they submit them to two arbiters, and give in jointly a bill craving the Lords may empower the arbiters to examine witnesses before them; which the Lords refused.

Yet Stair, in his Decisions, at the 6th of *January 1670*, *Ker and Scot*, shows the Lords granted it then. *Vol. I. Page 250.*

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1683. *December 15.* The CREAMERS of EDINBURGH *against* The MAGISTRATES.

THE Dean of Guild of Edinburgh discharging the Creamers to sit within the Parliament House, seeing there were several shops standing empty within the Town, whither they might remove:

The Lords, upon a bill, continued their possession till further orders, and that some of the Lords' number might meet with the Magistrates thereanent.

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1679 and 1683. JAMES WOOD *against* PATRICK REID.

1679. *January 15.*—IN the case betwixt Mr Patrick Reid and James Wood, merchant; upon the report of Lord Newton, the Lords assoilyied from the reduction, in respect of the three decreets, and bond of corroboration; and allow the defender, Mr Patrick, to go on in his execution; he finding sufficient caution, that, in case James Wood shall prevail in his declarator, he shall refund to him so much of the sums as he shall be found to have right to. As also sustain the declarator at James Wood's instance; and find the sums affectable with the debt whereunto he hath right, unless Mr Patrick Reid can