

other Trades dwelling in that regality. There were mutual declarators: one of privileges, the other of immunity and exemption from acknowledging the deacons of the Canongate. The Lords declared the trades' privileges as to all living within the burgh of the Canongate, or any artificers importing or selling their goods in that place; but would not extend it to the discontinuous parts of the regality, or the grounds of their feuars and vassals, as if they could employ no tradesmen save those licensed by the deacons of the Canongate: for they thought that was only craved to be a colour for exacting money from them, though the design of incorporations was good, *viz.* that tradesmen should be answerable for the sufficiency of their work, and that they do not extortion the lieges by exorbitant prices: and found the Act of Parliament 1540, anent conduction of craftsmen, related chiefly to wrights and masons. Some urged that there might be a conjunct probation allowed, to prove custom or possession; but the Lords thought, if there had been any such use, it was not to be encouraged; and to make an act before answer would keep them still in animosity, and put them to great charges.

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1694. February 8. WILLIAM MENZIES, Bailie of Edinburgh, *against* MRS MARY HAY.

PHESDO reported William Menzies, bailie of Edinburgh, against Mrs Mary Hay; who offered to prove, by witnesses, that an assignation he had to a debt was lying blank beside the defunct the time of his decease, and filled up since. ANSWERED by the Bailie,—That this assignation, being his own evident, given him in payment of a true debt, and now in his own hands, it cannot be taken from him but by his oath or writ. The Lords considered, that, if the subscriber of the assignation were alive, he might be examined; but, in regard he was dead, they allowed witnesses to depone *hinc inde*, before answer, how that assignation was taken out of the charter-chest, and on all other circumstances.

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1694. February 8. The COUNTESS of KINCARDEN *against* CORNWALL of BONHARD.

PHESDO reported the Countess of Kincarden against Cornwall of Bonhard, for repairing the salt-pans now set to John Marjoribanks, he and his father having left them ruinous. ALLEGED,—He could not answer *hoc ordine*, being cited *incidenter*. The Lords found, in such cases, where there was *periculum in mora*, and that the rent would perish, they ought to answer summarily, and not abide the course of the roll and the other *induciæ legales*.

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