This action being called in the Innerhouse, 16th November 1628, the Lords appointed three of their number to visit the ground in May 1629, to take trial of the matter, according to their best judgment; and if need be, to report.

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1628.   *November* 21.   ———————— *against* The MAGISTRATES of GLASGOW.

THE Magistrates of Glasgow are convened to pay debt for suffering of ————, put in ward, to escape. It was alleged for the town, That the said warder escaped in the night, having by him some instrument of iron, wherewith he raised the lintel stone of a window; and that, how soon they were advertised thereof, they rang the common bell, and convened the town; and not only searched the town for him, but also sundry rode forth in the country. The Lords assoilyied the Bailies, in respect of their diligence, and the circumstances of his escape.   *Page* 248.

1628.   *November* 22.   CLERK *against* BENNET.

BENNET gives a bond to four men in Kirkaldie, obliging him, betwixt and a certain day, to report a discharge of a bond made by him to a merchant in Middleburgh, under the pain of 500 merks, which the said merchant had assigned to a merchant in Kirkaldie, called Clerk; and the said Bennet alleged, that he had paid the debt to the cedent. The said four men registrate Bennet's bond, and charge for the penalty of 500 merks, seeing he reported not the discharge mentioned in the said bond. The defender suspends, and alleges, The chargers had no interest. The Lords gave him a day yet to report the acquittance; and if he failed therein, they would consider what to decern anent the penalty.

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1628.   *November* 25.   The MALTMEN of PERTH *against* the TACKSMEN of the
MILL of PERTH.

THE maltmen of Perth obtained advocation against the tacksmen of the mill of Perth, after litiscontestation, and that, as *ab initio*.

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1628.   *November* 25.   The LAIRD of FRENDRAUGHT *against* CRIGHTOUN of
CREICHY.

THE Laird of Frendraught having the gift of his goodsir's escheat of all goods pertaining to him the time of his rebellion, and which shall thereafter