The Lords found, if the decreet craved to be reduced was only a mere declarator of extinction of an apprising, they needed not now, in seeking reduction of such a decreet, find caution *judicatum*, but only *judicio sisti*; but if it bore conclusions for implement and payment, then caution behoved to be found. *Vide Annæum Robert. Rer. Judicat. lib.* 4, *c.* 11, *and Joan. Imberti Institut. Forens. lib.* 1, *c.* 30. *Vol. I. Page* 11.

1680. *July* 13.—In Ralph Williamson's reduction against Clapperton of Wyliecleugh, (25th July 1678,) the Lords, upon a bill, summarily ordained the depositions of the witnesses to be advised, which were taken to prove the minority of Mary Ramsay, Williamson's wife, and the time of her father's death; because this probation was only preparatory in order to the reponing her against a decreet obtained against her when she was minor, and her husband was a stranger. *Vol. I. Page* 107.

1680. *July* 14.

The Lords reduced an interdiction, because the publication did not bear three oyesses given. *Vide supra*, 21st Feb. 1680, where a horning and its denunciation is annulled for the same cause. *Vol. I. Page* 107.

1680. *July* 14. The Chirurgeons of Edinburgh *against* Patrick Cunninghame, an Apothecary.

In the Chirurgeons of Edinburgh their cause against Patrick Cunninghame, apothecary, to get him discharged as unfree to exerce any part of chirurgery; the Lords having advocated the cause from the Bailies, and appointed it to be summarily debated upon the bill, yet he extracted an act of advocation; the Lords ordained him to answer presently, notwithstanding of that act. This was done upon Forret's report, because it was stolen forth after they were ordained to answer *in causa* presently. Yet, a week or two before this, they would not recal Cranston's advocation against George Heriot, though it was of an action of removing, and George had set the house to another tenant, and was engaged to enter him at the term, and they were taking instruments against him for not entering them, to make him liable in damages.
Vol. I. Page 108.

See 30*th June* 1687, *the Chirurgeons of Edinburgh* against *the Apothecaries.*

1680. *July* 15. The Magistrates of Glasgow *against*

The Bailies of Glasgow having paid a fine to the Lord Ross, (to whom the king and privy council had gifted it,) for suffering two malefactors to escape; the Magistrates, having at last got the two malefactors, pursue them, having first discussed their jailer and his cautioners. They alleged, they were not liable, because they broke not the prison, but, finding the doors open, they came forth; which they might lawfully do; and the title whereupon they could be convened