

count for the victual contained in the contract of wadset, at the price of L.50 *per* chalder, since the date of the said contract; and appoint Gairsey to have his annualrent, as it was established by law, during all those years, and only to have 6 *per cent.* since the down-crying of the annualrents.

Melseter, in a new bill, objected a probation led by Mr Archibald Nisbet against Buchanan of Sound, of his victual also lying in Orkney, which the Lords modified to L.72 *per* chalder; and he craved the same price. Yet the Lords adhered, notwithstanding this bill; for that probation was against a minor, who was absent; and much of it was malt and not bear; and it is presently under reduction. *Vide* 9th Feb. 1688. *Vol. I. Page 467.*

1688. *February* 9.—In Craigie of Gairsey's case against William Moodie of Melseter, mentioned 20th July 1687: who tergiversing in the count and reckoning, and refusing to produce the discharges he had; Gairsey gave in a bill, representing it was done in order to be a ground of suspension, and to reduce his diligence of adjudication, on account that part of the sums were paid.

The Lords declared, if Gairsey should deduce any real diligence on the decret, that Melseter's afterwards proving partial payments should not reduce it; but only restrict it *pro tanto*. But did not declare, if it was suspended, and the decret turned into a libel, that the cautioner in the suspension should still remain liable, and that he should refund all his expenses; as Craigie sought by that bill. *Vide* 28th February 1688. *Vol. I. Page 496.*

1688. *February* 28.—Melseter, on a bill, stops Gairsey's decret, obtained 7th February last, on this pretence, that there could be no declarator of the irritancy of the back-tack till the event of the count and reckoning. But the Lords ordained Gairsey (in regard he, being Steward of Orkney, could not come back in June,) to depone what discharges or countbooks he had, and to produce them. *Vol. I. Page 501.*

1688. *June* 1.

SOME thought the Lords should have scrupled to sit, because of the proclamation dissolving the judicatories of the Session, &c. But the Lords, justly, would not draw in question their own right. *Vol. I. Page 505.*

1685 and 1688. WILLIAM SETON *against* SIR EVAN CAMERON OF LOCHIEL.

1685. *January* 10.—WILLIAM Seton, one of the King's Guard, gives in a bill to the Lords of Session, as commissioners of Argyle's forfeiture, against Sir Evan Cameron of Lochiell; bearing that, where Sir Evan being creditor to Argyle in 5000 merks, he had discovered to them that he was likewise debtor to the said late Earl in a greater sum than that 5000 merks; and, as a reward of