

1631. *November 3.* The LAIRD of WHITTINGHAM *against* The OLD LADY WHITTINGHAM; and, before that, The LADY HILTON *against* The LAIRD of HILTON.

LETTERS of horning are usually granted by deliverance of the Lords, at the instance of the heir, to charge the relict or executor of the defunct, to render and deliver the house, tower, and fortalice, belonging to the heir, within three days, under the pain of horning; and, for disobedience, to denounce.

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1631. *November 18.* JEAN DOW and RACHELL STEWART *against* JANET STEWART, Apparent Heir of the late Mr Lodovick Stewart, Minister at Dennie.

IN adjudication of lands holden burgage, there is no necessity to summon the king's advocate and treasurer but the provost and bailies of the burgh where the tenements ly.

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1631. *November 22.* The CREDITORS of JOHN FLEMING of CARWOOD, Petitioners.

JOHN Fleming of Carwood being indebted to many creditors, and having fled; upon a supplication given in to the Lords, that he was lurking in a place, &c. the Lords sent a messenger with the supplicant, and brought him before them, albeit he was never at the horn, nor letters of caption led against him; and, after, he was appointed to remain in a chamber, with his own consent, under his creditors' custody, for three or four days, in hopes to give them satisfaction. He was thereafter presented to the Lords, and committed to ward in Edinburgh.

The like passed *March 1631, Fleming of Carwood and his Creditors.*

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1631. *November 26.* ALEXANDER MAXWELL *against* The LAIRD of ERLESTOUN.

ALEXANDER Maxwell, assignee to Katherine Glendinning, pursues the Laird of Erlestoun for wrongous intromission with certain sheep intromitted with by him, *in anno 1604*, and with the profits thereof. The summons was not raised while the year 1626. The Lords would not sustain the action for profits.

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