

1649. *July 10.* SMETOUNE RICHIESONE *against* HIS UNCLES.

IN the action of relief at the instance of Smetoune Richiesone against his uncles, for repayment to him of some annualrent paid by him to the umquhile L. of Innerwicke and Margaret Hamiltoune, by virtue of a decreet obtained against him, as heir to his goodsir,—it was excepted, That he is that same person who stands obliged, being heir, as said is. To the which it was replied, That he did pursue his relief, as assignee constituted by the Laird of Penkaitline his heirs, who were cautioners for that annualrent during the lifetime of the said Laird of Innerwicke and Margaret; the which Laird of Penkaitline had the monies provided to his uncles by their father, goodsir to the pursuer, with that express condition, that they should ly hypothecated for payment of the annualrents foresaid, during the said two persons their lifetimes: and if Smetoune and his bairns meddled with the monies, they should report discharges to the Laird of Pinkaitline and his heirs; and, if the Laird of Pinkaitline or his heirs did meddle with the sums, they should report discharges to the Laird of Smetoune his heirs and bairns. Which the Lords sustained.

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1649. *July 10.* ANDREW KER *against* LAWRIE.

IN the former process betwixt Andrew Ker and Lawrie, anent the making of Margaret Law and her children a bairn of the house, Lawrie would have had consideration taken of the annualrents of the sums that made his wife's tocher alike with the others; because, although married long before, yet the foresaid tocher was but made a little before the death of Andrew Law, the goodfather, where John Ker had enjoyed her whole tocher from his marriage. Yet the Lords, in respect that the said Lawrie had enjoyed the whole that was left by the defunct, thir four years bygone, found that the one interest might compensate the other. In respect also, that two thousand merks of the tocher, promised to John Ker, being suspended during the goodfather his lifetime, he did agree with him for twelve or thirteen hundred merks.

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1649. *July 10.* DAVID DOG *against* GRIZZEL DOG.

IN the suspension at David Dog his instance against Grizzel Dog, The Lords found annualrent due, since the bond did bear 1000 merks payable to her at her marriage: the granter of the bond having got the father's land with her sister, and being obliged, in the said bond, to entertain her in his house; and, if she were not content to stay there, to pay her one hundred merks yearly.

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