

1663. *November 6.*      ANDREW HAMILTON of Overton *against* GEILLS HAMILTON and AGNES BROWN.

GEILLS HAMILTON, daughter lawful to Archibald Hamilton, with her mother, Agnes Brown, and Mr. Alexander Gibsone, one of the clerks of his Majesty's Session, intents a summons of exhibition, *ad deliberandum tantum*, against Andrew Hamilton of Overton; particularly of a seasine of the lands of Standlawysde, within the sheriffdom of Lanerk, and barony of Evendale, in favours of the said Archibald, her father, his heirs and successors. This charge he having suspended, upon this reason,—that what writs he had of the pursuer's, he was willing to exhibit them; but for that seasine, he had it not, because he offered him to prove, that seven years since he gave furth that seasine, to defend in an action against William Simpstone, to the said Geills her behoof, and could never get the same back again. Notwithstanding of this reason, decret of suspension is given out against him; and, upon the decret, he is charged with letters of horning, to obey the contents thereof. Upon this he gives in a supplication to the Lords, shewing, That whereas he has now, with much trouble and expense, recovered the said instrument of seasine, he is most willing to exhibit the same to the pursuers; and craves the Lords may call Mr. Alexander Gibsone before them *in præsentia*, and ordain him to pass from his decret and letters of horning, and to accept of the seasine now. Which desire of the bill, (of consent of parties,) the Lords ordained to be satisfied.

*For the Supplicant*, Oliphant.    *Alt.* Mr. Rodger Hog.

*Signet MS. No. 2. folio 1.*

1663. *November 6.*      ALEXANDER LESLIE and the KING'S ADVOCATE *against* WILLIAM ROBERTSON of Inches.

JO. ROBERTSONE of Inches, within the sheriffdom of Invernesse, dies. Mr. William Robertstone, his son, succeeds him. But because the lands held ward of the King, the ward, the right of non-entries, the avail of the marriage, with the relief of the lands, fall all in the King's hands as superior, and so are at his gift and disposition. Alexander Leslie, Writer to the King his Majesty's signet, gets the gift thereof, *in anno 1661*. Whereupon, as donator, with concurrence of the King's advocate, (Sir Jo. Fletcher of Newcranston,) he intents action of declarator of his gift of the ward and non-entries, &c. wherein he summons the said Mr. William, and all and others having interest, to compear before, &c. to hear and see it found and declared that these lands wherein his father died last vest and seased as of fee, holden of our Sovereign Lord, were in his Majesty's hand as superior thereto, by reason of ward and non-entries; and that the King by his gift produced, has constituted him his donator thereto; and, therefore, that he has only undoubted right to crave to be obeyed and answered as to the mails, farms, canes, customs, duties, and casualties of the said lands, conform to the tenor of