

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

his gift. Upon sight of the gift, the defender not compearing to allege any thing in the contrary, the Lords gave furth decreet conform to the desire of the summons. *For the King's advocate*, compears Norvell; *for Leslie*, James Abernethic. Hay. *Signet MS. No. 3. folio 1.*

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1663. *November 18.* JO. KNOX *against* The EARL of Roxburgh.

ROBERT, Earl of Roxburgh, by his bond dated 1635, binds him and his heirs to content and pay (for causes specified in the bond,) yearly a pension of 100 merks to Mr. Jo. Knocks, Minister at Boudon, and Agnes Borthwick his wife, during all the years of his lifetime, yearly at Yule. My Lord Roxburgh lives till 1650. All this while, not a farthing of it is paid. William, now Earl of Roxburgh, oy and heir of tailye and provision, serves and retours himself heir to the deceased Robert, his grandfather. In whose time nothing of the pension is paid either. In the meanwhile, Mr. Jo. to whom the pension was due, dies, *in anno 1656.* His son, Mr. Jo. Knox, late Minister at Leith, confirms his father's testament, and gets himself made executor dative to him; whereon he charges this Earl of Roxburgh for to make payment to him of the said sum of 100 merks yearly, for twenty years, which made 2000 merks; *item*, for 10 pounds of failie that was in the bond, and that for every year. For instructing his title, he produces, first, the bond of pension; then his father's testament, confirmed before the Commissary of Roxburgh; then a seasine conform to a precept out of the Chancellery, extracted out of the registers, whereby the now Earl infests himself as heir to his grandsire. Which the Lords held for a sufficient and relevant probation; and, therefore, gave furth decreet, ordaining William, Earl of Roxburgh, *nomine quo supra*, to make payment of the said 2000 merks to the pursuer.

*Act.* Mr. John Colvill.—It's a decreet in absence. Kello.

*Signet MS. No. 4. folio 4.*

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1663. *November 18.* GORDON of Lesmoir *against* GORDON of Clunie and GORDON of Craig.

SIR ALEXANDER GORDON of Clunie, James Gordon of Lesmoir, and Jo. Gordon, fiar of Craig, at Invernes, 1626; bind and oblige them in behalf of George Lord Gordon, and for relief of part of his debts, to content and pay to William Dick, merchant in Edinburgh, afterwards Sir, &c. the sum of 14,000 merks. The bond has a clause of relief among themselves. Clunie warrants for L.4000; Lesmoir for 5000 merks, and Craig for 2000 merks. Clunie receives infestment, for his security, of lands in Scurdarg, Newseat, and Strathbogie; which, because they were liferented by the Marquis of Huntlie, therefore during his lifetime, my Lord Gordon gives him infestment of the 15 merk land of Susgarrow, in Lochaber, to be intromitted with by him in contentation of the annualrent of his money. *Item*,