

King Charles I. or II. in their favours, or of any of their predecessors to whom they may succeed *jure sanguinis*; to hear them reduced, &c. and to hear decret given, that the said pursuers have the only good and undoubted right of property of the said lands, pure and free, without any burden of annualrents, or yearly duties or servitude, especially of this infetment of annualrent craved to be reduced; and so that they have good right, by intenting this action, to remove all impediments that may stop them in the peaceable possession of the said lands; *item*, that the said lands cannot be poinded by virtue of the said pretended infetment.

The government changing, this action, by a summons of wakening, is of new, again, in 1663, intented; and therein, for verification of it, their seasines are produced. Two terms being assigned to the defenders' procurator, for satisfying the production called for in the summons, he failyies: whereupon the term is circumduced against him; and decret pronounced, reducing the said writs, for not production.

*Act.* Mr. William Beaton. *Alt.* Mr. John Harper.

*Signet MS. No. 9. folio 3.*

1663. *November 26.* DAVID DICK, *against* The Tenants of LORD KIRKUBRIGHT, and of ROBERT MAXWELL of Orchartoune.

DAVID DICK, writer in Edinburgh, for divers sums of moneys addebted to him by Jo. Lord Kirkcudbright, and Robert Maxwell of Orchartoune, *in anno 1653*, comprises both their lands, all lying within the stewartry of Kirkcubright, and Sheriffdoms of Dumfries and Wigton. *In anno 1654*, he obtained himself duly infet in the said lands; whereupon, as having good and undoubted right to pursue this action, he raises a summons of maills and duties; charging them to pay to him their farms 1660, 1661, 1662; each of them at the rate of six chalders of victual, two chalders bear, two meal, and two oats, of the met and measure of Nithisdale, at twenty pounds the pound; and 600 merks of silver duty. The Lords finding the summons relevant, by reason of his seasine of the said lands, produced, grant a term to the defenders' procurators to produce them, to give their oaths anent the quantities libelled; which they failyieing to do, the Lords held them *pro confessis*, and gave furth decret, conform to the desire of the summons.

*Act.* William Yeaman. *Alt.* Mr. Jo. Cunyghame. D. Dick.

*Signet MS. No. 10. folio 4.*

1663. *November 27.* JAMES FRASER, *against* ALEXANDER MACKENZIE of Suddie.

KENNETH MACKENZIE of Gillichris, *in anno 1612*, in one bond, grants him to have received 500 merks; in another, L.400, from James Fraser, burgess in