

This obligation, *in anno* 1662, Mr. William assigns to Elizabeth Colvill, his spouse, in liferent, and the same to his bairns in fee; that is to say, 500 merks of it to his son John, 3000 merks to his daughter Anna, 2500 merks to his daughter Janet. Mr. William dies. The relict and bairns pursue the Earl of Cassills for payment. For verifying the summons, there are produced the obligation and assignation thereto. The Lords ordained the said Earl (who compeared not) to make payment of the said bond.

*Act.* Mr. Thomas Lermonth.

*Signet MS. No. 16, folio 5.*

1663. *December 3.* HUGH SINCLAIR *against* JOHN JOHNSTON of Corryphrin, WILLIAM SCOT, and OTHERS.

JAMES, Earl of Annandale, (therein designed Earl of Hartfield,) *in anno* 1657, before the Sheriff of Dumfries, obtains decret against John Johnston of Corryphrin, William Scot in Pomadie, and others, charging them to make payment to him of certain sums of money, resting owing unpaid by them, as part of the rents of the lands possessed by them for the crops of 1655, 1656. Upon this decret he raises letters of horning. Then they are denounced, and lay year and day at the horn; whereby their liferent escheat falls in Richard, Lord Protector, his hands, and to be in his gift and disposition. *In anno* 1659, Andrew Martin, Writer in Edinburgh, gets the gift of their escheats. Immediately Andrew assigns and dispones over his said gift to Hugh Sinclair, Chamberlain to the Earl of Annandale; who, thereupon now raises summons of declarator, summoning them to compear before, &c. and to hear and see it declared that they were orderly denounced rebels, and put to the horn, in manner, at the time, and for the causes, above written; and that they lay year and day thereat unrelaxed: and so that the liferent escheat of all their goods and gear they possessed the time of the denunciation, or that has accressed to them since syne, were at Richard, Lord Protector, his gift, and were disponed by him to Andrew Martin, who has assigned the same to this pursuer; who, therefore, has only undoubted right to the said goods, and ought to be answered and obeyed thereof. For verifying the summons, there are produced, the decret; the letters of horning following thereon, with their denunciation; his assignation thereto; then the gift to the escheat, and the assignation to the said gift.

In respect whereof, and that nobody compeared for the defenders, to allege any reasonable cause in the contrary; the Lords decerned conform to the summons.

This summons is also raised at the King's Advocate's instance, for his Majesty's interest. King's Advocate's depute is Mr. George Norvell.

*Act.* Mr. Robert Sinclair.