

of. The said Margaret Adamsone marrying Jo. Browne of Fordell, bears to him William and Sir Jo. William, *in anno* 1646, with consent of his curators, in corroboration of his mother's bonds, binds and obliges himself to pay the said sum to the said Helen Beg. After the granting of this his bond of corroboration, William dies. Sir Jo. Browne succeeds him, as also to the estate of Fordell. Sir John being killed, there is a son called John, that succeeds him. In the mean while, Helen Beg dies. Her brother Jo. Beg, in Nether Cramond, confirms her testament, *in anno* 1650, and gets himself nominated her executor dative; and so on that title charges the said John Browne to enter heir to his father, Sir John, *in anno* 1653. This John dies, whereon his sister Antonia Browne becomes heretrix of all. Now he charges her to make payment to him of the said sum of 980 merks contained in the bond of corroboration granted by William Browne, her uncle on the father's side, and that as heir to her brother, who was again heir to their father, Sir John, who again succeeded to his brother William, who by his bond of corroboration obliged him to pay that debt of his mother, M. Adamsone. For proving of the summons, there is produced the bond of corroboration; Helen Beg's testament confirmed, under the subscription of James Wright clerk to the commissariat of Edinburgh, wherein this debt is also confirmed; *item* the letters of charge to enter heir, executed against her brother.

ALLEGED for the defender, that no process can be granted on this bond of corroboration, unless the four principal bonds thereby corroborated, were produced.

ANSWERED, that process must be granted upon the said bond, without necessity to produce the bonds corroborated; unless the defender offer her to prove that the said bonds were paid or discharged.

REPLIED, that notwithstanding of this answer, the former allegiance of a necessity of production of the bonds corroborated stands relevant: seeing it is an unanswerable presumption that the said principal bonds, being satisfied, have been retired; only the bond of corroboration has been omitted to have been given up.

This allegiance and reply the Lords repelled, in respect of the answer thereto. Then ALLEGED by the defender, that the hail four bonds corroborated, are in the said Antonia Browne and her curators' hands, as cancelled and satisfied bonds. This the Lords found relevant, and assigned them a day for proving thereof, by production of them. Which they failyieing to do, the term is circumduced against them; and decret pronounced ordaining her to make payment to the pursuer, of the said sum.

*Act. Norvell. Alt. Mr. Laurence Oliphant and Mr. William Maxwell. J. A. Signet MS. No. 15, fol. 5.*

1663. *December 3.* ELIZABETH COLVILL, and WILLIAM DALGLEISH'S BAIRNS, *against* The EARL of CASSILLS.

JOHN, Earl of Cassills, *in anno* 1649, grants him, by his bond, to have borrowed from Mr. William Dalgleish, Minister at Cramond, the sum of 6000 merks; which he obliges him to restore, with the ordinary [annualrent,] and 600 merks of penalty.

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.