1687. *June.* Mr Patrick Shiels *against* Thomas Ogilvy of Logy.

The Marquis of Douglas's gift of the liferent escheat of Logy Ogilvy, his vassal, living within his regality, to my Lord Torpichen, coming to the behoof of the rebel, who was not relaxed; the Marquis made a second gift for his own behoof to Mr Patrick Shiels, who pursued a declarator. Alleged for the first donatar and the rebel, That the liferent escheat could not fall upon a denunciation only at the market-cross of Edinburgh, and not at the head burgh of the shire; 2. The Marquis was denuded by the first gift. Answered, By the Act 140, Parl. 8, James VI, denunciations at the market-cross, where the justices sit, are sufficient, and the rebel was fugitive for murder; besides, *ex super abundanti*, he was also denounced at Forfar; 2. The party continuing rebel, the first gift fell again under his escheat, single or liferent; to both which the Lords of regality have right. The Lords found that the gift to the rebel's behoof extinguished his escheat, so as the superior could not gift it *de novo*. This is not clear.—*Castlehill's Pratt.* tit. *Escheats*, No. 73.

Page 117, No. 438.

1687. *July.* David Scrymsour *against* Bailie Ædie.

An assignation being intimated at 11 o'clock in the forenoon, and the sum assigned being arrested the same day, without any mention, in the execution, of the hour when the arrestment was laid on, and thereafter an execution being produced specifying the hour;—the Lords brought both in, *pari passu*.

Page 24, No. 122.

1687. *July.* Canon *against* Gordon.

A disposition to one Canon, failing heirs of the disponer's body, with a power to alter or innovate, and the reservation of a liferent, was found valid, though not delivered in the granter's lifetime, nor yet containing a clause dispensing with the not-delivery, in respect it was not a present right, but only a right *in spe*, failing heirs of the granter's body, and contained the above-mentioned reservation.

Page 32, No. 148.

1687. *July.* The Earl of Southesk *against* The Earl of Broadalbin and Sir John St Clare.

Sir Robert St Clare's name being in trust in an adjudication of the Lordship of Caithness, he obliged himself, by back-bond, to denude thereof in favours of the Lord Caithness, or those he should name, upon payment of 100,008 merks,