

1649. *July 11.* PRIMROSE *against* CAMPBELL.

IN the cause pursued by Primrose against Campbell, upon the alternatives, as heir, &c. wherein the same was referred to his oath, after condescending, by way of reply, It was offered to be proven by the pursuer his oath. But they urged, That he should be summoned again to that effect. But the Lords would have him to depone upon the first summoning by a messenger, personally apprehended, without farther citation.

*Page 52.*

---

1649. *July 11.* The EARL of QUEINSBERRIE and BLAIR *against* TELFAIRE.

It was craved, by the Earl of Queinsberrie and Blair against Telfaire, that they might have repetition, *quasi indebiti condictione* of Telfaire; because, although they had paid the principal sum, with annual rent, at the Candlemas preceding the Act of Parliament, which allowed one and a half to be retained from the Lambmas preceding, yet my Lord Queinsberrie, who had so thankfully paid his debt, should not be in a worse condition than if he had not paid it. Wherein the Lords found the reason to be alike.

*Page 52.*

---

1649. *July 11.* JOHN HANDIESYDE and ELIZABETH KIRKWOOD *against* JAMES DENNISTOUNE.

IN the suspension by John Handiesyde and his spouse, Elizabeth Kirkwood, against James Dennistoun;—in respect no visitation was used, to see how the chimney-head complained upon was raised beyond the servitude; and that the dean of guild his court did not sit still while the witnesses were brought in;—the Lords thought good that one of their own number should visit and report.

*Page 52.*

---

1649. *July 11.* JOHN MERSER *against* ROBERT GILL'S KINSFOLK.

IN the declarator of umquhile Robert Gill, his escheat, pursued by John Merser;—it was alleged, That all parties having interest were not called. Whereunto it was replied, That it was sufficient to the king's donatar to call all having, or pretending to have interest, at the market-cross; and yet he had called an heir served and retoured, and also to the executors confirmed, which are alleged to be the only kinsfolks. The Lords ordained them to compear, and propone what they like.

*Page 53.*