1650. *January* 11. MARJORIE WIGHTMAN *against* MARGARET HILSTONE.

MARGARET Hilstone,—being charged, upon her bond, by Marjorie Wightman, —did suspend upon a reason which Hugh M'Ronald, having married her, turns in a reduction and improbation, upon that, The bond was subscribed by the said Margaret, no witnesses being present, as the witnesses thereafter inserted will declare; and if the subscription, for the verity thereof, should be referred to the said Margaret her oath, her husband doth protest in the contrary. In the mean time the Lords found the letters orderly proceeded.

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1650. *January* 11. FRANCIS HEPBURNE of BEANESTOUNE *against* MR ROBERT LAWDER.

IN the foresaid action of registration by Francis Hepburne of Beanestoune against Mr Robert Lawder, who had renounced to be heir; compeared Elizabeth Home, his father's relict, and alleged, That he could not be holden to renounce, seeing she offered her to prove, that, after his father's decease, he entered in his dwelling house, and not only put her to a corner, but also staid therein three or four months, using the best of his father's moveables, which are esteemed heirship; *atque ita se immiscuit; et res non est integra.* But it was answered, That, the judges not being sitting all that time, and his father having a rich study, wherein there were many precious things; he came there to preserve [them] from his step-mother's fingers, while he might have a warrant from the judge for making up inventory of the same, that they might be forthcoming to all parties having interest, and not stolen by her: *pro quibus daretur actio furti, et non rerum amotarum, soluto jam morte matrimonio.* And the Lords found *that* intromission did not hinder him to renounce. *Page* 157.

1650. *January* 11. GEORGE CAMPBELL *against* ANDREW GRAY.

IN the suspension, George Campbell against Andrew Gray, for 363 rix-dollars, deponed in Janet Gray his sister's custody, spouse to the said George,—the Lords found the letters orderly proceeded; notwithstanding arrestment alleged used in the said George his hand, by the Master of Gray, upon a dependence: but also decerned him in great expenses, *propter violatam depositi religionem.*

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1650. *January* 11. ROBERT TAILYEOUR *against* ALEXANDER ARNOTE of LOCHRIGGE, and the LAIRD of ROWALLAND.

IN the suspension of double poinding for a blood, at Robert Tailyeour's in-

stance against Alexander Arnote of Lochrigge and the Laird of Rowalland, the Lords did not respect 20 years' possession, with the clause *cum curiis et earum exitibus;* in respect the Laird of Rowalland his superior had these lands within his barony, *cum* ——— and other points of jurisdiction.—*See below.*

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1650. *January* 11. ALEXANDER ELPHINGSTOUNE *against* LORD ELPHINGSTOUNE.

IN the action pursued by Alexander Elphingstoune against my Lord Elphingstoune, the Lords sustained the same, upon a missive that was holograph, all written with Mr James Elphingstoune of Barnes, his father's, hand to Gorden of Killoche, the said Alexander his mother's brother; both for stock and brock, as the said letters bear, because the holograph was proven. Neither did they respect the registrate bonds five or six years before, and produced in the process, because of the clause in the foresaid letter, which was long posterior; but they ordained the said Alexander to make cession thereof in favours of the said Lord.

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1650. *January* 11. The LAIRD of CROMLIX *against* JAMES KER.

IN the suspension at the Laird of Cromlix his instance against James Ker, the Lords found the letters orderly proceeded, notwithstanding the decreets obtained against him before the sheriff of Pearth, upon arrestments; because he ought not to have made payment; but, in respect of James Ker's arrestment, to have suspended upon a double poinding; wherein all parties' rights might have been discussed, and the decreets being produced, sundry nullities might have been alleged.

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1650. *January* 12. ROBERT TAILYEOUR *against* ARNOTE of LOCHRIGGE and the LAIRD of ROWALLAND.

[*See page* 464.]

IN the double poinding against Arnote and Rowalland, Arnote alleges now, That he is infeft *cum* ———. And it is answered by Rowalland, that he did use the attachment first, and ought to be preferred. But Arnote alleged the first decreet.

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1650. *January* 12. SPENCE *against* DOWGLAS.

IN the action of registration, Spence against Dowglas, where the execution of the summons was offered to be improven by way of exception, no other being