

1687. *January 28.* JOHN HAMILTON, Bishop of Dunkeld, and JAMES LAWSON
against The LORD and MASTER of BALMERINO.

MR John Hamilton, Bishop of Dunkeld, and Mr James Lawson, his assignee, give in a bill against the Lord and Master of Balmerino, showing, that his action for proving the tenor of a discharge, mentioned 9th December 1685, was called, the dilators discussed, and avizandum made, and that their probation by witnesses who were old and valetudinary might perish; and therefore craved they might be examined on the adminicles for making up the discharge, to lie *in retentis*.

The Lords allowed a diligence to cite them.

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1686 and 1687. DAVID MELVILLE *against* The CREDITORS of CARSTAIRS of KINNEUCHAR.

1686. *January 21.*—David Melvil, a minor, having an adjudication on the estate of Carstairs of Kinneuchar, and having charged the Archbishop of St Andrew's, as superior; he gave in a bill, craving, that, during the ranking and discussing the competition among the creditors, they would modify and decern some of his bygone annualrents to be paid him by Robert Carstairs the factor. ANSWERED,—The factor was only placed by the Lords the last Session in March, and has had little intromission; and the pupil's father lifted three years' rent.

The Lords remitted to Castlehill to rank the creditors; and to consider if any annualrents should be given to the said David, or not. *Vide* 1st February 1687.

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1687. *February 1.*—The case of David Melvil against the Creditors of Carstairs of Kinneuchar was reported by Castlehill, anent sundry nullities objected to David's adjudication, *viz.* that it adjudged for a fifth part more, being of the whole lands.—But it was led before the Act of Sederunt 1684, rectifying that abuse *pro futuro*. *2do*, That the liferents were not deduced, nor the party's death proven, (but it was not denied,) nor the term of payment of one of the bonds come at the time of leading the adjudication, (but the term of payment of the bond corroborated was past.)

The Lords sustained the adjudication, and repelled thir nullities.

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1687. *February 2.* FRANCISCA CUNNINGHAM, and ——— JOHNSTON, her Husband, *against* The EARL of GLENCAIRN.

FRANCISCA Cunningham and Johnston, her husband, pursue the Earl of Glencairn, on a minute of contract betwixt Chancellor Glencairn and Cunningham of Ballyachan. Against which the Earl had a declarator of nullity, *1mo*,