

1693 and 1694. SIR ALEXANDER COCKBURN of LANTON'S CREDITORS *against* Him.

1693. *February 23.*—On the report of Newbyth and Rankeilor, the Lords found Lanton had paid the tack-duty of 1690 and 1691, to his creditors, though he had misapplied it; and therefore declared, that such as had received payment of their annualrents, who were not preferable, should receive no more till the whole others had also got their annualrents; and exonered their bond to be given up; and that he should find caution for 1692, and what he should uplift or possess of 1693; otherwise, not to continue any longer factor, but the creditors to have present access to the estate. *Vol. I. Page 564.*

1694. *June 15.*—The petition given in by the creditors of Sir Alexander Cockburn of Lanton, against him, with his answers, are advised; and, *1mo.* The Lords find the creditors ought to accept of his assignation to his usher's salary, due by the Exchequer *anno* 1691, in place of caution, and as a security *pro tanto* of his tack-duty; but prejudice to consider, if his paying the creditors who had right to the said fee, with the rents of the lands, was not a misapplication, to the prejudice of those who had right to the lands. *2do.* The question occurred, If he should find caution for the present crop 1694 now, or at the separation of it from the ground, seeing gentlemen would not willingly engage for him till they saw the corns in; and, on the other hand, there is no factor allowed to intromit till he find caution.

The Lords fell on this medium,—That he should find caution for the current year, sometime before the session rose; and fixed the 20th July next, that the Lords might have time to determine any objections that might arise anent the sufficiency of the cautioners offered; with certification, if he fail, he should be removed from being any longer factor. *Vol. I. Page 620.*

*July 27.*—Sir Alexander Cockburn of Lanton and his preferable creditors were heard; and at last the Lords removed Lanton from the factory and administration, in regard he had not, *debito tempore*, found caution. But he having intermeddled with the grass part of the crop, they declared he should continue till Michaelmas next, and intromit also with the corns, providing he found caution, in August, to make it forthcoming to the preferable creditors, as they are ranked: and ordained a roup to be made of the estate, on the first Wednesday of October next, not to exceed seven years, and not under three; but, with this quality, that, if the estate be sold before the expiration of these three years, the purchasers shall not be bound by the tack to be set longer than the said three years; and ordained placards and intimations to be published at the adjacent church-doors, and that he who bids most shall immediately, in October next, enter to, till, and sow the ground for crop 1695. *Vol. I. Page 640.*

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1694. *July 27.* MR PATRICK HOME, Advocate, *against* MR GEORGE DICKSON of BUGHTRIG.

IN the sale of Mr George Dickson of Bughtrig's lands, on the statute of bankruptcy, pursued by Mr Patrick Home, advocate,—it was ALLEGED for Mr