

lie, compears Mr. Jo. Harper: in the incident, the pursuers compear *ut supra*. *Alt.* Mrs. Robert Pitillo and Mr. John Eleis.

*Signet MS. No. 22, fol. 7.*

1663. *December 5.* JAMES HAMILTON *against* PATRICK CAMPBELL of Duntroon's TENANTS.

IN April 1657, Pat. Campbell, elder of Duntroon, as principal, and John Ca. fiar thereof, his son, as cautioner, bind them to content and pay to Robert Hamilton, burgess of Glasgow, the sum of L.160. This bond is registrate in the Sheriff-Court book of Inverarie in 1658; then he assigns it to James Hamilton, also burgess there, who immediately thereon raises letters of poinding and horning, containing arrestment, whereby he arrests in the said Duntroon's tenants' hands the farms and duties of their lands for the crop and year of God 1662; then pursues for making forthcoming, calling also Duntroon for his interest. For verifying the summons there is produced the registrate bond, the assignation thereto, the letters of poinding, horning, and arrestment, duly executed, raised thereon; and for the remanent points of the summons not verified nor instructed by the writs produced, refer them to the defenders, (in whose hands the victual is arrested) their oaths of verity. Whereupon their procurator takes a day to produce them for that effect, and protests for a qualified oath; the pursuer's procurator protests in the contrary. They not compearing at the day, the term is circumduced against them, and they ordained to make the said victual arrested forthcoming to the pursuer, in payment to him, as assignee, of the sums of money contained in the said bond.

*Act.* Mr. Robert Sinclair. *Alt.* Mr. George Mackenzie and William Braidie.

*Signet MS. No. 23, fol. 8.*

1663. *December 5.* ALEXANDER BALNAVES, Minister of Tippermuire, *against* GEORGE MURRAY of Tippermuire.

IN anno 1669, there is a contract of excambion past betwixt George Murray of Tibbermuire, and Mr. Alexander Balnaves minister there: whereby George binds and obliges him to possess the minister in the yearly duty and avail of eight acres of land; and the minister obliges him to procure from the presbytery of Perth a right or disposition of the old glebe of the parish of Tippermuire to the said George. *In anno* 1662, the minister registrates the contract, and summons Tippermuire to perform his part of the contract, and obtains decret against him; whereupon he raises letters of horning, charging him to obey the said decret, that ordaining him to pay to the charger the yearly duty of eight acres of land conform to that contract. Thir letters Tippermuire suspends on thir reasons: *1mo*, Because the foresaid charge is altogether general, only for two years duty of the said eight acres of land; neither condescending upon the species or kind of the said duty, whether victual or money, nor yet on the quota or quantity thereof, nor