

received L.66, and that in contentation of his annual rents owing him for the said sum by Ja. Twedie. For the charger there is produced the bond of corroboration, with the letters of horning and executions thereof; and alleged by them that the discharges produced ought not be respected to infer any liberation from the said charge *pro tanto*, because they discharged sums above L.100; and, not being holograph, are not subscribed by four witnesses.

In respect of which allegiance, the Lords would have no respect to the said discharges: whereupon the suspenders were content to refer the truth of the payment contained in the said discharges to the charger's oath of verity *simpliciter*. For which effect a day having been taken to produce him, he deponed he had indeed received L.387 in part of payment of the foresaid principal sum of 800 merks, but no more. In regard of which deposition, the Lords suspended the letters as to the said L.387; and found them orderly proceeded as to the rest.

*Act. Suspenders*, Sir Thomas Wallace. *Alt.* Mr. David Dinmuire.

*Signet MS. No. 77, folio 30.*

1664. *January 16.* Sir DAVID SIBBALD of Rankeillor *against* Sir ANDREW BRUCE of Earleshall, and ANDREW BRUCE, his Son.

SIR ANDREW BRUCE of Earleshall, and Andrew Bruce fiar thereof, his son, by their bond in 1659, oblige them to pay to Sir David Sibbald of Rankeillor, the sum of 1262 merks money. In 1663, he obtains decret against them, decerning them to pay the same. On this decret he now charges them with horning; which they suspend on this reason, that since the obtaining the said decret, Sir David has become debtor to the said Andrew Bruce younger, in a sum near equivalent, in so far as Sir David by his bond to Jo. Boyde, bailie in Edinburgh, obliges him to pay to him and his the sum of L.663, with L.80 of penalty, &c.: which bond Jo. Boyd has assigned to the said Andrew; who thereupon craves compensation and retention in his own hands; and so the letters must be suspended. At the calling of this suspension, there is produced for the suspender the bond granted to Jo. Boyde, with the assignation thereof made to him. There is produced for the charger his decret with the bond whereupon it proceeded, with the letters of horning raised on the same.

All which being heard, seen, and considered by the said Lords, they compensate the said L.663 with the said sum of 1262 [merks] charged for; as also the annualrents of the one with the other. But will not sustain compensation of the penalty of L.80, contained in the said bond of L.663 compensated with, in respect, the charger has been oft suspended in this matter, and the suspender's assignation to the said bond is since pronouncing the decret charged on; so that they suspend the letters as to the said sum of L.663; but find them orderly proceeded, and so ordain them to be put in farther execution for L.330, as being contained in the said decret, by and attour what is compensated.

*Act. Suspenders*, Mr. Ja. Cheape. *Alt.* Mr. David Balfour.

*Signet MS. No. 79, folio 30.*