

1677, and 1678. ——— SETONS, Heirs-Portioners of Blair, *against* LORD PITMEDDEN.

1677. *28th January*.—The two daughters Seton of Blair's reduction against Sir Alexander Seton of Pitmedden's adjudication [was this day] advised, wherein the Lords found the cause of the disposition from his brother James near onerous, and admitted sundry points to probation; *quæ omnia vide ad longum* in the information *apud me: infra, numero 574, § 6*. See this again advised on the 12th of June 1678, marked by me in the third page of my other manuscript book.

*Advocates' MS. No. 538, folio 274, margin.*

1678. *June 12, 13, and 22*.—The Lords advised the actions betwixt ——— Setons, heirs-portioners of Blair, and the Lord Pitmedden. The Lords had ordained him to prove he had paid the usual rates lands were then giving in the country, for the acquisitions of Pitmedden and Alethin, which he had purchased from his brother James; otherwise, they would reduce these rights on the Act of Parliament 1621, as *inter conjunctas personas*, without a full onerous adequate cause, in prejudice of the absolute warrandice of the said James his brother's disposition of the lands of Blair to their father. And he having led probation thereon, and proven, with the incumbrances that affected it, and which he hath since relieved, or must take course with, he had paid £1000 Scots for each chalder, which was and is the price of the country in Buchan, even counting his patrimony only at 12,000 merks:

The Lords found an adequate price proven, and assoilyied him from their reduction. *Vide Informations hinc inde*, for the particulars in this case.

*Vol. I. Page 2.*

---

1678. *June 14*. DAME MARGARET BAILLIE, Lady Luss, and SIR ROBERT SINCLAIR, *against* The LADY IDINGTON.

DAME Margaret Baillie, Lady Luss, and Sir Robert Sinclair, now of Lochend, advocate, pursue the Lady Idington, and the other seven daughters of Mr William Kelly, and the representatives of such of them as are dead, upon the 57th Act, Parl. 7, James III. to enter to the superiority of some lands in Newton-Leys, to the effect they give infestment to the pursuers of the property; otherwise that the pursuers might be infest by the King, upon precepts furth of the King's Chancery, and they lose their superiority *ad vitam*.

In this process some of the defenders compeared, and offered themselves willing to enter the pursuers, and give them either a charter, or precept of *clare constat*, in so far as concerned their shares and proportions. The pursuer alleged, She was not obliged to enter that way, except all of them concurred jointly, and were ready to enter her *quoad* the whole; else this were to divide her security, and make it party-coloured, the one half holden of them, and the rest of the King; and the superiority was *jus individuum*, and she could not be put to double charges, but behoved to be entered either wholly by them or wholly by the King.