

Sir

Edin 30 May 1789

N5/3/7

I have considered Mr. Joshua John-
ston's papers which you put into my hands
concerning the process at the instance of
Tho: Sands and his Grandfather as his admi-
nistrator in law against Mr. Johnston but have
not yet seen the process itself which it is
necessary I should do before I can pretend
to give any explicit Opinion on the merits
of the case I shall however borrow it up
and examine the proceedings attentively be-
fore the commencement of the ensuing session
so as to be prepared to prevent the pursuers
from obtaining any undue advantage of Mr.
Johnston. The nature of the process on the
supposition of the pursuers having produced
a suff^t title to carry it on will render it in-
cumbrant on Mr. Johnston to exhibit not only
an acc^t of his Intrusions with the rents
of Cowbister and any other funds to which they
pursue the heir of entail may have right, but

also the vouchers of that account and the whole here
the deeds of the Lands. The distance of Mr. want
Monsieur's residence and the risk attending their Objec
transmission here can afford no legal ex: ston
use for withholding them. No mans acco: cess
where they fall to be vouch'd by written docu: Sep
ments can be taken off his hand without Ho
them and every proprietor of an Estate is reco
entitled to see the rights and Investitures there
of and to have the same delivered up to him, and
unless the Custodian has a right of Hypo: who
the thereon untill certain sums that may the
due to him shall be paid. This right is in and
general competent only to Practitioners of in
the Law who in their line of business have on
become Creditors to the Persons whose writings exa
are in their Custody. It has not been explain
d in any of the papers which I have seen It is
whether the minor pursuer is sole heir of part
entail or only a co-heir with one or more be lo
other heirs. If the last is the case the other of c

to heirs ought to concur with him, and the
want of their concurrence may be a good
Objection to the process, because Mr. John
Ston ought not to be laid under the ne-
cessity of accounting with the d. & heirs
separately, but with the whole at once.
However that may be I beg leave to
recommend, his embracing the first and
most convenient way of transmitting the
whole vouchers of his acc^{ts}, ^{as} also
the whole Title Deeds of the Estate
and other writings called for or where
in the papers have any Interest. I shall
on receiving them carefully ~~examine~~ ^{examine} them
examine the whole and produce in
process such only as are necessary.
It is to no purpose to be fighting the other
party at long weapons by which time must
be lost and much expence incurred and
of course to come to the merits of the cause

as expeditiously as possible is by far
the preferable course to be followed.
These particulars you'll please communicate to
Mr Johnston and assure him if he shall comply
with what I have taken the liberty of suggesting
I will gladly use my utmost exertions in
bringing the cause to an issue favourable
for him. I am Sir your most Obedt Servt.

Mr Geo. Andrew
Edm. 30 May
1789

Geo. Andrew.
1789

Capt William Hallen
of the 4th