

finally to pay to the charger L.50, for expences, as modified by them, and really debursed by the charger, in obtaining his decret and defending.

*For the suspender, Act.* Mr. George Norvell and Sir George M'Kenzie. *Alt.* Sir George Lockart, and Mr. Robert Trotter.

*Signet MS. No. 11. folio 4.*

1663. *November 28.* CORNELIUS CRAWFURD of Jordanhill, *against* M'CAILZONE and OTHERS.

MR. NINIAN CAMPBELL, minister at Roseneth, *in anno* 1656, by his bond, grants him to have received from Cornelius Crawford of Jordanhill, the sum of L.754; and for the said Cornelius his surer repayment thereof, he infefts him in an annual of L.44. 12s. 8d. as effeiring to the said sum of L.754, to be uplifted out of the three merk land of Carreask and Balingoune, within the Lordship of Cavell and Sheriffdom of Argyle. Cornelius afterwards coming to know that the said Mr. Ninian had some monies in the parishioners' hands, he arrests the same: and then (Mr. Ninian being dead,) he pursues to make furthcoming; summoning thereto the relict and his son, with his curators for their interest, if he any have. For instructing his summons, [he] produces in presence of the Lords the bond granted him by Mr. Ninian, his instrument of seasine, with the letters of arrestment, and their executions; and what cannot be verified by thir, he is content to refer to the defenders (in whose hands the arrestment was made) their oaths of verity.

This the Lords found relevant; and therefore assigned him a day against which he should summon them to that effect. Which he having done, and they failyieing, they were held as confessed; and decret given against them, ordaining them to answer the pursuer in his desire of the libel.

*Signet MS. No. 12. folio 4.*

1663. *December 1.* THOMAS KINCAID *against* JAMES CRAWFURD.

ALEXANDER CRAWFURD, son to James Crawford, goldsmith in Edinburgh, by his bond, *in anno* 1648, obliges him to pay to Charles Watstone, writer in Edinburgh, and Mary Young his spouse, the sum of 2000 merks, with the usual annualrent thereof, with L.200 of expense in case of failyie. This bond Charles Watstone, *in anno* 1650, assigns to Mr. Robert Young, minister at Dumbarin; who, for his better security, obtains a wadset of a tenement of land in Halkerston's Wynd, appertaining to the said Alexander Crawford, redeemable upon payment of the foresaid principal sum. *In anno* 1653, Thomas Kincaid, chirurgeon apothecary, marrying the said Mr. Robert Young's sister, (their father was Mr. Andrew Young minister at Abercairne,) he dispones over to Thomas, by his translation, his right to the said bond and wadset: who immediately procures letters of charge, to enter heir within forty days, against Mr. James Crawford, son and heir to the said Alexander, conform to the act of Parliament; and thereon summons him and his

tutors, &c. to hear and see himself decerned to make payment of the said sum of money. For verifying of his summons, he produced the bond, contract of wadset, [and] assignation; with the contract of marriage, containing a translation; *item*, the letters of charge to enter heir, with their executions. Who failyieing to compear, the Lords decerned this pursuer to have good right to crave the said sum, and therefore decerned them to make payment to him thereof.

*Act.* Norvell. It's in absence.

*Signet MS. No. 13. folio 5.*

1663. *December 2.* ALEXANDER MEINZIES *against* — GORDON and ALEXANDER GORDON of Birsmoir.

GEORGE, Marquis of Huntly, Earl of ———, Lord Gordon and Badenoch, as principal; Patrick Gordon of Birsmoir, as cautioner; by their bond, *in anno* 1624, bind themselves to Jo. Urquhart of Cairnebroche, and failyieing of him by decease, to Thomas Meinzies of Balgounie, in the sum of 8000 merks. Thomas Meinzies acquiring right to the said bond, assigns and dispones the same, *in anno* 1642, to Alexander Meinzies, burgess in Aberdein; who, *in anno* 1655, before Thomas Gordon Sheriff-depute of Aberdein, the suits being called, and the Court lawfully fenced and begun, obtains decret of transferring against — Gordon, son to Lodovick Gordon, as heir, oy, or prenevoy, to the deceased George, Marquis of Huntly, principal debtor in the bond; and Alexander Gordon of Birsmoir, apparent heir to his father, cautioner therein: who as either having served themselves heirs to their predecessors, or behaved themselves as heirs to them, or are successors *titulo lucrativo post contractum debitum*, or intromitters with their goods and gear, or executors; at the least, as lawfully charged to enter heirs to them within forty days; by reason of one or other of the which titles, the Sheriff-depute found them liable for this debt, and decerned them to make payment of the same to the pursuer. Alexander Meinzies, who purchased this decret, dies; whereupon his children (one of them is married to Mr. Arthur Gordon, advocate, who compears in this cause,) crave the same to be transferred over upon them *activè*. Which the Lords following, then sitting, *id est*, Sir Jo. Gilmor of Craigmillar, *President*, Sir Archibald Primros of Chester, *C. R.* Alexander Lo. Halkerton, Sir James Lockhart of Lee, Sir Archibald Stirling of Carden, Sir James Foulls of Colinton, Robert Nairne of Straffurd, Jo. Scougall of Whyte-Kirk, Andrew Ayton of Kinglassie, David Nevoy of Reddie, and Sir Jo. Hume of Renton; by their decret, granted.

*Act.* Mr. Arthur Gordon.

*Signet MS. No. 14. folio 5.*

1663. *December 2.* JOHN BEG *against* BROWNE of Fordell.

MARGARET ADAMSONE, by her bonds under her hand, granted her, *in annis* 1642, 1643, 1644, 1645, to have borrowed at sundry times, for performing sundry her necessary affairs, from Helen Beg, 980 merks, with the usual annualrent there-