

minute, as they are before deduced; as also ay and while he purge all and hail the burdens affecting the said lands to be given up in a note by the charge; [and] till which time, that the writs and evidents produced lie in the clerk's hands.

*Suspender*, Mr. Alexander Spottiswood. *Alt.* Mr. David Falconer.

*Signet MS. No. 19, fol. 6.*

1663. *December 3.* HELEN HILL *against* LAUHLANE MACLEINE of Lochburie.

MURDOCH MACLEINE of Lochburie, by his bond, binds, obliges him to content and pay to Helen Hill, relict of Jo. Maxwel, burgess in Glasgow, the sum of L.800. *In anno 1657*, she registrates the bond and raises letters of horning thereupon. He suffering himself to be denounced, she obtains letters of caption: by which having apprehended him, he grants her a bond of corroboration of the said sum, with this addition, that if he did not thankfully pay her betwixt and Martinmas 1657, that then he should enter himself prisoner immediately to the governor of Divart, and that under the pain of L.500. He neither pays it within the term of payment, nor does he enter his person, according to his engagement, but dies a little after. His brother Lauchlane Macleine serves and retours himself heir to him. Helen Hill, (who married afterwards Mr. William Weir, advocate,) she pursues Lauchlane Macleine now of Lochburie, to make payment to her of the sums contained in the bond of corroboration; and, for instructing the summons, produces the bond corroborated, the bond of corroboration, letters of horning, and caption, together with an extract of a service under the subscription of Mr. Archibald Nisbet notary, bearing Laughlan M'Laughlan, [Lauchlane Macleine?] to have been heir served and retoured to his brother, before the four ordinary maissers, in January, 1663.

All which the Lords having considered, they decerned the defender to make payment of the said bond: because, albeit, the time of litiscontestation in the said matter, it was alleged by the defender's procurator, that he ought and should be *simpliciter* assoilyied from the said summons, because he offered him to prove *paid*: which allegiance the Lords admitted as most relevant, and therefore assigned him a term for proving thereof, which he failyied to do; so that the term was circumduced against him, and protestation admitted in favours of the pursuers, and decret given as is above written.

*Act.* Mr. Robert Burnet. *Alt.* Mr. George Mackenzie.

*Signet MS. No. 20, fol. 7.*

1663. *December 5.* JOHN ARTHUR of Newton-Arthur *against* JAMES HOUDON.

WILLIAM HOUDON smith in Restalrig, by his bond, grants him to have borrowed, in 1623, the sum of L.340 from Patrick Whytlaw, burgess in Edinburgh, and obliges him to repay the same. This bond Patrick, *in anno 1624*, causes registrate, and immediately raises letters of inhibition against the said William;

then, *in anno* 1628, assigns the said bond, with the diligence done thereon, to John Arthur of Newton-Arthur. About this time the said William dies. The assignee charges James Houdon, his son, to enter heir to his father, and obtains decret of transferring against him, declaring that what right, action, title, or process, Patrick Whytelaw, his cedent, would have had against William Houdon, the same the Lords grant to him against William's son. *In anno* 1648, John Arthur the assignee dies. His son, Mr. Jo. serves and retours himself heir to his father, confirms his father's testament, and gets himself nominated his executor; then assigns this debt to his brother Alexander: who raises now a summons of transferring, craving the said debt to be transferred in him *activè*, and in the said Ja. Houdon *passivè*. For verifying the summons there is produced, first, the principal bond; then the decret of registration and letters of inhibition served thereon; then the assignation made to Jo. Arthur; then the decret of transferring obtained at his instance; then the extract of Mr. Jo. retour to his father, under the subscription of Sir Jo. Scot of Scotstarvet, then director to his Majesty's chancellery; then his father's confirmed testament, and then his brother Mr. John's translation of it over on him: all which the Lords finding to prove the summons relevantly, they transferred the same by their decret.

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

*Signet MS. No. 21, fol. 7.*

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1663. *December 5.* ARCHIBALD and ALEXANDER STEWART *against* MARGARET WARDLAW, ROBERT PITTILLO, WILLIAM BAILLIE, and OTHERS.

THE tenants of Killernie, Bandrun, and Steilend, lying within the regality of Dunferling and sheriffdom of Fyfe, raise a summons of multiplepinding against Margaret Wardlaw, relict of Lieutenant-General William Ruthen and Mr. Robert Pittillo, her spouse, for his interest, on one part; Archibald and Alexander Stewarts, brothers to the laird of Rossayth, on the second; Earl of Tweddale, on the third; George Wardlaw, brother to the laird of Pitrevie, on the fourth part; Mr. William Bailzie, writer in Edinburgh, on the fifth part; and Mr. John Anderson, minister at Sauching, (within which parish the lands lie,) on the sixth part: summoning them to compear before the Lords, &c. to hear and see it declared which of the said persons has best right to the maills, farms, and duties of the said lands; that the said pursuers may make payment of them to them, and that the rest may be discharged of all calling, troubling, pursuing, or arresting the said tenants for the same. In this action compearance is first made for Archibald and Alexander Stewarts, who, for instructing their right and interest to the maills of the said lands, produce two bonds, containing precepts of seasing, granted by the said L. G. Ruthen and Margaret Wardlaw, his spouse, to the said two brothers, for certain great sums of money contained in the bonds, with two seasings (one taken by each of them) following thereon, with a summons of pinding of the ground, at their instance, against William Ruthen, now proprietor of these lands, son and heir to the [said] L. G. Ruthen, and his mother M. Wardlaw, liferentrix thereof, and her husband for his interest.