

his gift. Upon sight of the gift, the defender not compearing to allege any thing in the contrary, the Lords gave furth decreet conform to the desire of the summons. *For the King's advocate*, compears Norvell; *for Leslie*, James Abernethic. Hay. *Signet MS. No. 3. folio 1.*

1663. *November 18.* JO. KNOX *against* The EARL of Roxburgh.

ROBERT, Earl of Roxburgh, by his bond dated 1635, binds him and his heirs to content and pay (for causes specified in the bond,) yearly a pension of 100 merks to Mr. Jo. Knocks, Minister at Boudon, and Agnes Borthwick his wife, during all the years of his lifetime, yearly at Yule. My Lord Roxburgh lives till 1650. All this while, not a farthing of it is paid. William, now Earl of Roxburgh, oy and heir of tailye and provision, serves and retours himself heir to the deceased Robert, his grandfather. In whose time nothing of the pension is paid either. In the meanwhile, Mr. Jo. to whom the pension was due, dies, *in anno 1656.* His son, Mr. Jo. Knox, late Minister at Leith, confirms his father's testament, and gets himself made executor dative to him; whereon he charges this Earl of Roxburgh for to make payment to him of the said sum of 100 merks yearly, for twenty years, which made 2000 merks; *item*, for 10 pounds of failyie that was in the bond, and that for every year. For instructing his title, he produces, first, the bond of pension; then his father's testament, confirmed before the Commissary of Roxburgh; then a seasine conform to a precept out of the Chancellery, extracted out of the registers, whereby the now Earl infests himself as heir to his grandsire. Which the Lords held for a sufficient and relevant probation; and, therefore, gave furth decreet, ordaining William, Earl of Roxburgh, *nomine quo supra*, to make payment of the said 2000 merks to the pursuer.

*Act.* Mr. John Colvill.—It's a decreet in absence. Kello.

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

1663. *November 18.* GORDON of Lesmoir *against* GORDON of Clunie and GORDON of Craig.

SIR ALEXANDER GORDON of Clunie, James Gordon of Lesmoir, and Jo. Gordon, fiar of Craig, at Invernes, 1626; bind and oblige them in behalf of George Lord Gordon, and for relief of part of his debts, to content and pay to William Dick, merchant in Edinburgh, afterwards Sir, &c. the sum of 14,000 merks. The bond has a clause of relief among themselves. Clunie warrants for L.4000; Lesmoir for 5000 merks, and Craig for 2000 merks. Clunie receives infestment, for his security, of lands in Scurdarg, Newseat, and Strathbogie; which, because they were liferented by the Marquis of Huntlie, therefore during his lifetime, my Lord Gordon gives him infestment of the 15 merk land of Susgarrow, in Lochaber, to be intromitted with by him in contentation of the annualrent of his money. *Item*,

out of the mails and duties of thir lands, Clunie binds him to content and pay yearly to Lesmoir the sum of L.400, as the annualrent of that part of the principal sum warranted by him; and that so long as Clunie should bruik and possess the said wadset lands, by uplifting the mails and duties thereof. *Item*, because immediately upon the decease of the Marquis, Clunie was to enter to the possession of the lands of Scurdarg, Smythston, and others now liferented by the Marquis: Lesmoir obliges him, upon the Marquis his decease, to pay to Clunie L.4000, Clunie then resigning over to him his right he will have to the said lands. With many other mutual clauses and obligements therein. Sir William Dick, *in anno* 1629, sues for payment at Lesmoir; obtains 7000 merks in part of payment of 14,000 merks; whereon he gives him an acquittance (*discharge*,) containing an ample assignation for his relief and warrandice of the rest. This Lesmoir's son is charged in February last, 1663, at the instance of one Hierom Spence, of Brunston, to enter heir to his father within 40 days, conform to the Act of Parliament. He renounces to be heir to his father: whereupon the said Hierom obtains against Lesmoir's estate a decret of adjudication; and so amongst his other rights and securities purchases that right also he had to charge his *correi debendi*, upon that contract, for relieving and warranting him conform thereto. At last the said Hierom assigns and makes over to Lesmoir (who was the very man he had charged, and upon his charge had renounced,) his decret of adjudication. Whereupon as assignee constituted he intents this action, and charges the heirs, as well male, line, tailie, as of provision, both of Clunie and Craig, to make payment to him conform to the said contract passed betwixt their fathers *in anno* 1626. For instructing of all which to the Lords, was produced,—first, That contract or principal appointment; then Sir W. Dick's discharge, bearing an assignation; then that decret of adjudication, with the assignation thereof made to the pursuer; then the charges he gave Clunie and Craig their heirs, to enter heirs to their fathers, with the executions thereof. In respect, whereof, the Lords decerned the defenders to make payment of their respective parts as shall be divided.

*Act.* Patrick Fraser.—It's a decret in absence. *Signet MS. No. 5, folio 1.*

1663. *November 20.* ABERCROMBIE *against* THOMAS RONALD of Woodhill and OTHERS.

THOMAS RONALD of Woodhill, sets in tack and assedation, *in anno* 1657, for 3 or 5 years to come, at the tacksman's option, to Alexander Hewat, the equal half of the lands of Ladinghame's and Gavine's crofts of Blackhall, lying within the parish of Inverurie, and sheriffdom of Aberdein; for payment to be made to him of some 40 merks of tack duty, with some other small casualties. Ronald, *in anno* 1662, obtains decret before the sheriff of Aberdein against Hewat, to make payment to him of the said tack-duty that these 2 years bygone was resting owing unpaid; and, thereupon, gets a precept to Ja. Panton, sheriff-officer, to poind, apprise, and distrenyie his (Hewat's) readiest goods and gear that he had on the crofts of Blackhall. Which the messenger coming to do, the said Hewat produced his