

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-