

1663. *December 8.* JOHN FLOYD and BRIDGET TURNE *against* ANDERSON, and other Tenants to the Duke of LENNOX.

*In anno 1645*, James, Duke of Lennox, binds and obliges him to pay to Mr. David Buchanan the sum of 1000 merks. This bond Mr. David assigns over to Mr. William Buchanane; which Mr. William, by his translation, disposes the same to John Floyd, gentleman in the city of London, and Bridget Turne, relict, and executrix confirmed to the deceased Jo. Turne; and in their name, and his own, as factor, registrates the bond, and thereupon raises letters of horning, poinding, and arrestment, against the Duke's tenants within his barony of Kilmarnock, to pay to him and them their maills, farms, and duties, aye and while he be completely satisfied of the said bond; summons each of them for 1000 merks, less or more. This charge they suspend, because, *1mo*, For null defence, and not compareance, never having been summoned; *2do*, Because charged for 1000 merks the piece, whereas some of them pay not 40 merks Scots; *3tio*, The time of the arrestment, (which was in 1661,) they were not liable in payment of their farms and duties to Charles, now Duke of Lennox, because not then entered heir; but they paid them to Mr. Lo. Cochrane, as factor for the executors of this Duke of Lennox his predecessor, and obtained his discharge thereon, which at the discussing of the suspension they proffer to produce. At the calling of the suspension, there is produced for the charger the bond, with the assignations and translations thereof; *item*, the letters of horning and arrestment, duly executed, raised thereupon. All which, with the reasons of suspension, being ripely considered by the Lords, they find the letters orderly proceeded, aye and while the said tenants make payment of the sums arrested in their hands by the pursuer, as far as will satisfy the debt acclaimed.

*Act.* Sir George Lockhart. *Alt. Suspender,* Sir Thomas Wallace.

*Signet MS. No. 25, folio 9.*

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1663. *December 8.* ALEXANDER BURNET of Carlips, and MARGARET HAY *against* Jo. SCOT, WILLIAM BURNET of Barns, and Captain JOHN VEITCH.

Mr. William Burnet of Barns, as principal, and Captain Jo. Veitch, in Easterdaick, as cautioner, *in anno 1654*, bind and oblige them to repay the sum of 700 merks, borrowed by them from Mr. Alexander Burnet of Carlips, advocate. *In anno 1655* Jo. Scot grants to the same Mr. Alexander his bond for 1000 merks. Mr. Alexander dies in 1657. His eldest son, Alexander Burnet, serves and retours himself heir to his father; then confirms his father's testament, wherein his mother, Margaret Hay, is nominated to him tutrix testamantar; then he nominates sole executor, and universal legatar, and intromitter with his goods and geir; *item*, therein are contained the foresaid bonds and debts. Thus, having acquired a right, he, and his mother as tutrix, pursue the said persons for payment-making to them of the said sums of money. For instructing of the summons, there are produced the extracts of the said three registered bonds;