

1665. *February 1.* MARY MELVIL *against* PATRICK YEOMAN.

WILLIAM WEIMES, merchant in Dundee, is addebted to Andrew Melvil, merchant in Edinburgh, and of Pittachop, 1000 merks. Andrew dies. His daughter, Mary Melvil, confirms his testament, and gets herself confirmed his executrix: then pursues Mr. Patrick Yeoman as executor to the said William Weimes, at least as having accepted a disposition from him of his estate, with the burden of his debts, and on the other passive titles. For verifying the libel, there is produced the bond, with the confirmed testament. As to the passive titles, refers them to the defender's oath; who compearing, deponed that he had indeed a disposition of some tenements and acres from the deceased, before his decease; but that the same was for onerous causes, and without any burden of the debts, or promise to pay the same.

The intromission upon this disposition found not to be vitious, neither to infer a passive title; and therefore assoilyed the defender from desire of the libel.

*Act.* Mr. Roger Hog.

*Alt.* Mr. William Yeoman.

*Signet MS. No. 35, folio 47.*

1665. *February 2.* FRASER of PHILORTH *against* ANDREW FRASER of Stonnilwood.

SIR ALEXANDER FRASER of Fraserburgh, by an irredeemable alienation, dispones, with consent of the Lord Lovat and others, in 1616, to Alexander Fraser of Durres, the lands of Cairnebulge, within Aberdeenshire; whereupon he is infeft under the great seal. Alexander again in 1616, with Simon Lord Lovat's consent, irredeemably dispones the same barony to Andrew Fraser, then of Stonnilwood, afterwards Lord Fraser, goodsire to this Lord Fraser that now is; whereupon Stonnilwood is infeft therein in 1619 under the great seal. But he considering that others had right by comprisings or otherways to the saids land, anterior to his disposition; for his securer joysing of the same in time coming, he gets all the said rights settled and established in his own person, as particularly thir following; he gets a disposition to a comprising led in 1617 against the saids lands, by one Alexander Henderson, with the charters and sasines following thereupon; *item*, A discharge of the legal reversions contained in the saids apprisings granted to Stonnilwood by Fraser of Durres, who again ratifies of new his disposition he had made to Stonnilwood of the said barony. Then in 1621 obtains a decret of improbation, improving Ogilvie of Dunlegus, Fraser of Fraserburgh, and sundry other persons their rights they might have to the said lands. There was also a comprising led at Forbes of Pitsligo, his instance, against the said lands, who thereupon was infeft under the great seal; *item*, Stonnilwood in 1620, causes be premonished to come and receive his money for which he had comprised, and so to hear and see the said lands redeemed; conform to whilk procuratory and instrument of requisition, Pitsligo compeared and received payment, as an instrument of redemption thereupon made bears, and so grants a renunciation, or grant of redemption in favours of Stonnilwood; then in 1621 obtains decret of declarator of redemption of the