

January 23. 1728.

Unto the Right Honourable, The Lords of Council and Session,

The PETITION of *Adam Drummond* Surgeon  
in *Edinburgh*,

Humbly sheweth.

That in Anno 1694, Sir *Hary Wardlaw* of *Pitreavie*, did grant an absolute and irredeemable Disposition of the Lands of *Bonend*, lying in the Parochin of *Bruntisland*, and Sheriffdom of *Fife*, to and in Favours of *James Downie*, Merchant Burgess of *Edinburgh*, whereupon he was infest.

That with the said Disposition the said *James Downie* had delivered to him the Writs and Progress of the saids Lands, conform to an particular subscribed Inventory thereof herewith produced.

That in Anno 1699, the said *James Downie*, then designed Captain *James Downie* Merchant Burgess of *Edinburgh*, entred into a Minute of Sale of the saids Lands, with *David Bonnar* then Residenter in *Bruntisland*, whereby, besides several other Obligations, the said Captain obliged him and his Heirs to extend a valid Disposition of the said Lands of *Bonend*, and deliver therewith to the said *David Bonnar* a sufficient Progress of Writs, at least the Securities the said Captain *Downie* had from *Pitreavie*, as appears by the registrate Minute of Sale herewith produced

That after the Decease of the said Captain *James Downie*, his Son Captain *Alexander* served himself Heir in special to his Father, and thereupon was infest; and in implement of the said Minute of Sale, disponed the Lands to the said *David Bonnar*, who thereupon was infest; but at this Time the Progress was not delivered up, but put in the Hands of *David Maule* Writer in *Edinburgh* the Captain's Doer.

By this it appeared to me that *David Bonnar* had a sufficient and undoubted Right to the Lands, whereupon I *bona fide* purchased the same from him, with the Burden of paying a certain Balance resting by him to his Authors Creditors, which was ascertained by a Decreet of your Lordships: But this Decreet being quarrelled by *Downie*, his Wife, Child and Creditors by a Reduction, I did therein compear for my Interest, and pled my said *bona fide* Purchase and Payment of the Price, except as to said Balance, which your Lordships most justly sustained, and assolizied me from the Effect of the said Reduction, whereby I humbly conceive the undoubted Right to the said Lands is now in my Person; and it being therefore necessary for me that the Progress of Writs, which were lodged in the Hands of the said *David Maule*, who is a Member of the College of Justice, should be delivered up to me in Terms of the said Minute of Sale.

May it therefore please your Lordships, either to ordain the said *David Maule* instantly to depone, exhibe and deliver up to me the haill Writs and Progress he has of the said Lands, knows or suspects where the samen may be, or remit to my Lord Dun Ordinary to the said Reduction, or any other of your Lordships Number, to hear Parties Procurators on what is above represented, with Power to determine therein. According to Justice, &c.

LAU. CRAIGIE.

