

[In margin] T.D. Ja[mes] D[uke of] Queensberry[Main text] The Testament Dative and Inventory of the Sum of money and debt which Justly pertained and belonged and was resting owing and addebted to umq[ui]le James Duke of Queensberry & c[etera] the time of his decease who Deceased in the month of Jm vijC [one thousand seven hundred] and eleven years faithfullie made and given up by Charles now Duke of Queensberry & c. lawful Son and Executor dative qua nearest of kin Decerned to the s[ai]d Defunct by Decreet of My Commiss[ione]r of Dumfries as the same of the date the twenty eight day of may Jm vijC And fifteen years in itself more ample proports. Imprimis there was Justly resting owing and addebted to the said defunct the time of his Decease fores[ai]d by the person after named the Sum of money underwritten viz[delicet] By W[illia]m Burnet Major to the Lord Jedburgh his Regiment of Dragoons the Sum of one hundred pounds Sterling money Contained in a bond and assigned granted by him to the said Defunct dated the Twenty Second day of Feb[ua]ry Jm vijC ninety seven years for payment whereof he Thereby assigned the said Duke his heirs &c. the Whole arrears of his pay due to him As major of the said Regiment Since and from the first day of nov[embe]r then last by past and In time Coming as the Samen Should fall due to him ? at the rate of half pay Ay? And while his Grace nere Compliatly payed of the foresd Sum of one hundred pounds Sterlin[g] and in case before payment of the samen at the rate foresd he the said Wm Burnet Should happen to Depart this life or his Commission should happen to fall then and in that Case he thereby Bound and obliged him his heirs &c. to satisfie and pay to the said Duke and his foresds what his last arrears should fall Short of the Sd Sum of one hundred pounds Sterling and that at the first terme of Whitsunday or martinmas after the sd Wm Burnet His death or loseing of his Commission and @ rent of the sd resting Sum of liq[uida]te penalty in case the not payment and a fifth part more of the sd resting Sum of liqte penalty in case of failzie As the sd bond & Assignation of the date foresd pr[e]ser[ve]t and Regis[tere]d in the books of Council & Session upon the Sixteen day of februarie last in itself more fullie bears\_\_\_ \_\_ Inde the sd prin[cipa]ll Sum of one hundred pounds Sterlin and @ rents thereof conforme to acts of parlia[men]t Since the terme of martinmas Jm vijC years (about which time the said Wm Burnet departed this life) to the terme of Whitsunday Jm vijC and eleven years (about w[hi]ch time The said Deceast James Duke of Queensberry died) with the Sum of Twenty pounds Sterling As the fifth part of the said Sum of Liqt penalty contained in the sd bond incurred through Failzie Extend in hail (Talou Justo Calculo) to the Sum of one hundred and Seventy eight Pounds Sterlin money. Summa of the debt owing to the De[ceas]ed\_\_Jm jC xxxvj [2136] lib[ra] Scots Mr John Alves Advocat Commissare prin[cipa]ll of the Commissariot of Dumfies ? Constitute for Confirmation of Testaments within the bounds of the Said Commisariot and James Wallace of Carrield my Deput Understanding that after due Summoning and lawful Warning made by publick forme of Edict openly as effeirs of the Ex[ecuto]rs Testamentars Spouse bairnes if any be and Intro[mitto]rs with the goods and gear of the Said umq[ui]le James Duke of Queensberrie &c And all others having or pretending to have Interest in the Said matter to Have Comp[ear]d before us Induallie at a certain daynow by past viz the hour of Cause to have heard and Seen Ex[ecot]rs dative Decerned given in admitted and Confirmed is nearest of kin to the Said Defunct and in and to the Contrair wt Certifica[tio]n &c. We Decerned thereuntill as our decree Dative of the date foresd

bears Conforme thereunto we in his ma[jes]ties name and aut[hori]ty make  
Constitute ordain and Confirm the Said Charles now Duke of Queensberry &c in only  
Ex[ecuto]r dative qua nearest in kin to the Said Defunct his father and in and to the  
debt and Sum of money @ after with full power to him to Intromit therewith uplift and  
reserve the Same and if need bees to pursue therefore and Generallie all and  
Sundry other things to Do that to the office of Exer dative qua nearest of kin is known  
at appertain Providing always that he make just Compt and reckoning of his  
Intromissions when and where the Same Shall be legally required whereupon and  
that the Debt and Sum of Money @ after Shall be made free and furthcoming to all  
partys having interest as Kine Will John Neilson of Chapel became Caut[ioner] as as  
act made thereanent bears Given Under the Seal of Office of the Commissariot of  
Dumfries and Signed by the Clerk of Court at Dumfries the twenty third day of June  
Jm vijC and nineteen years Signet 23 June 1719