

No 227. 1541. February 17. EARL of BOTHWELL *against* BETHUNE.

IN the Earl of Bothwell's cause against Bethune for reduction of certain lands of his, comprised to umquhile James, last Bishop of St Andrews, the LORDS, by interlocutor, found and decerned, that Mr Hugh Rig, procurator for the said Lord, might have the words "the five merk" *pro deleto*, after that the said Bethune's procurator had desired absolutor, because that the said Lord's summons bore five merks of the lands, and there were eight merk and ten shilling worth of the lands appraised, and that he might not redeem the appraised lands but altogether, and so the said words being deleted, the summons imported the hail lands and so the LORDS admitted the said Earl's procurator to have *pro deleto*, the same words.

*Fol. Dic. v. 2. p. 197. Sinclair, MS. p. 11.*

No 228. 1542. May 17. COMMENDATOR of the PRIORY of ST ANDREWS *against* TENANTS.

Found that a general libel may be made special *cum processu* by a judicial declaration.

IN the cause of the Commendator and Tenants of the Priory of St Andrews, the LORDS, albeit the libel was general, and so that it could not be known wherein the place was hurt, or the rental diminished, because it was not libelled where the casting of the stanks, and the upholding of the dykes of Pitlochrie used to be put in the farmers' tacks, and now left out of the said Sir William Ramsay's tacks, the nineteen years was of avail, and so the libel was general in that point; nevertheless, the LORDS, by the said Sir William's confession, made an judgment of the avail yearly of the premisses, understood the place in so far hurt, and the rental so far diminished, as the said duties were yearly worth, decerned the tack for the same cause to be reduced, et hoc ideo quia licet super libello generali sententia ferri non possit, quia de jure generalis libellus procedit a parte altera, L. finali Cod. De annali exceptione; et satius est generaliter declarari in processu, ut ibi scribitur ideo cum litera presenti; Domini Consilii sententiaverunt generaliter illa non obstante ex eo quod per confessionem dicti Domini Gulielmi in processu factum fuit clarius.

*Fol. Dic. v. 2. p. 197. Sinclair, MS. p. 25.*

No 229. 1546. December 11. The QUEEN *against* MINISTER of SCOTLANDWELL.

Found, that after liti-con-  
testation,

IN causa Reginae contra Ministrum de Scotlandwell Domini interlocuti sunt procuratorem Reginae non posse aliquid libelli sui pro deleto habere post pe-