

## PERSONAL AND REAL.

## S E C T. I.

*Debita fundi.*1590. August —. LAIRD OF ST MONANCE *against* TENANTS.

THE Laird of St Monance being minor, and his lands fallen in ward, there was decerned be a decret of the Lords, the sum of 500 merks for his sustentation. He having pursued the donatar of the ward, viz. the Laird of Keltie, his goodsir, principal donatar, his father, brother Mr Thomas, Mr David, and Andrew, to pay the said sums *pro rata*, according to the portion of the land they occupied; they having suspended his letters, it was found by the LORDS, that the said Laird had good action to pursue the tenants and acceptors of the ward lands for his aliment that was modified for him, 'quia fuit onus reale et non personalæ et sequebatur fundum,' except so much of the lands as appertained to his mother, as her conjunct fee.

*Fol. Dic. v. 2. p. 62. Colvil, MS. p. 453.*

No 1.  
The aliment of a minor out of ward lands, found to be *debitum fundi*, so that he might pursue the occupiers of the lands for it.

1628. March 12. LAIRD OF LAURISTON *against* SHERIFF of the MERNES.

IN an action of suspension betwixt the Laird of Lauriston and the Sheriff of Mernes, the LORDS found, that any party, who had obtained precepts out of the chancellary, upon his retour, for taking sasine of lands whereto he was retoured, as heir to his predecessor, was subject to pay the quantity of the relief, upon a personal charge, at the king's officers' instance, viz. the treasurer, against him to that effect, or that the ground might be pointed therefor, or the

No 2.  
The casualty of relief is *debitum fundi*.