

DECISIONS

OF THE

LORDS OF COUNCIL AND SESSION,

REPORTED BY

SIR GEORGE AUCHINLECK OF BALMANNO.

— against —

IN a removing at the instance of a compriser, if it be alleged that the sums, for the whilk the comprising was deduced, are paid, by intromission of as much of the rent as may pay him, the Lords use sometimes to sustain this exception, and to put the parties to count and reckoning.

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— against —

A DECRET obtained for spuilie of teinds, being given before the commissaries of ———, the same is suspended, being given for null defence, and containing exorbitant quantities, exceeding both stock and teind, by reason the defenders are holden *pro confessis*; and in that suspension the parties desired to be reponed to give their oath. The Lords ordained the pursuer of the spuilie to give his oath upon the quantities: or, if he refused, the Lords declared that they would repone the defenders to give their oaths.

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