

RELIEF, CASUALTY OF.

1563. *March 23.* The LAIRD of DRUMLANARK *against* LAIRD COCKPUILE.

No 1.

THAT quhilk ane air aucht and sould give to his superiour the time that he enteris to his landis, is allanerlie the retourit maillis of the saidis landis; and as concerning the remanent maillis and profetis of the saidis landis, by and attour the retourit maill thair of, the samin auch and sould pertene to the air; or gif thair be many heretrices female, the samine sould be equallie dividit amangis thame.

Fol. Dic. v. 2. p. 334. Balfour, (ANENT RELIEF OF AIRS.) p. 255.

1610. *December 1.* KINCAID *against* LD. of HATTON.

THE heir of a feuar will not be holden to double his feu maill, or feu farm, at his entry to his lands, if he be not bound to that condition by the provision of his feu-charter.

No 2.

Fol. Dic. v. 2. p. 334. Haddington, MS. No 2031.

* * Kerse reports this case :

In an action betwixt the Lo. Hatton and John Kincaid, brother-son, and heir retoured to Alexander Kincaid, who died infest in the mill and lands of Gogar, holden of — chalders, — bolls of victual, it was found, that the tenant was not obliged to double the feu-farm duty, because he was not obliged there- to in his infestment.

Kerse, MS. fol. 108.

* * A Similar decision was pronounced 24th November 1736, Earl of Dun- donald *against* Bar. See APPENDIX.

1628. *November 12.* LAIRD of LAURISTON *against* SHERIFF of Forfar.

THE Laird of Lauriston serves and retours him to certain lands in Angus, and takes precepts furth of the Chancery, for taking sasine according to the book of *responde*. The Sheriff of Forfar is compelled to make payment, and the

No 3.