

1624. *March 11.* DOUGLAS *against* The LAIRD of EAST-NISBET.

It being alleged that Douglas had taken John Stuart's escheat to his own behoof, in so far as they offered to prove that it was done by his own consent and procuring;—the Lords found that his qualifying himself to be a just creditor might very well take the rebel's escheat with his own knowledge and consent, and yet not to his behoof.

Page 100.

1624. *March 16.* DAVID SIBBALD *against* The LAIRD of LETHINDIE.

MR David Sibbald, as having right, by progress, to the Laird of Clunie's life-rent, intended a reduction of a tack set by him to Lethindie. Excepted: That he behoved to have that tack specially declared. The Lords found, that the general declarator gave him sufficient right.

Page 100.

1624. *March 23.* M'CULLOCH'S WIFE *against* ———.

DEFENDER Mackculloch's Wife pursuing the declarator of his bastardy, Found that she behoved first to reduce the Laird of Merton's service, who had re-toured himself heir to the defender.

Page 30.

1624. *March 30.* CURRY *against* NIMMO.

It was sustained by Hope, that a bond given to be paid at the term following to any, and failyieing of him, to any of his children, did belong to the person's executors, if he died before that term, and not to the person substitute in the bond. Yet the Lords found the contrary.

Page 63.

1624. *November 18.* BALLACH *against* MASSIE WEIR;
And DR KINCAID *against* ROBERT MONRO.

ONE Ballach in Leith having comprised the five pound land of Ernock, (for James Dalziell's cautionry;) between his denunciation and comprising, one compriseth the legal. Half a year after the comprising, duly led, Massie Weir compriseth the same legal; and when it came before the Lords, this last compriser was preferred, because the legal was not *in rerum natura* when that first com-

prised it, and so not comprisable. However, the contrary was sustained in effect, between Dr Kincaid and Mr Robert Monro.

Page 42.

1624. November 25. HEPBURN *against* ALEXANDER HAY.

THERE is an act against arresting of money consigned in the clerk of the session's hands ; but it was found, that a sum consigned, for the redemption of some lands in Mr Alexander Hay's hands, was liable to the debt owing by him from whom the land was redeemed for his entertainment, he being minor ; albeit it was alleged, that it should have been taken off his ordinary rent, (there being enough of it,) rather than off the principal sum.

Page 16.

1625. June 21. CUNNINGHAME of CRAIGANS *against* HERITORS of RENFREW.

CUNNINGHAME of Craigans, as being Mair of Fee in the Barony of Renfrew, charged the whole heritors within the same with general letters to make payment to him, conform to his infestment, of two threaves of straw and a lamb, the plough. The Lords refused him process, upon these general letters, against all and sundry, unless he would libel against each particular.

Page 196.

1625. July 13. BURGH *against* GRAY.

IN an action of registration between Burgh and Gray ; this Gray being infest in certain lands *ex contractu matrimoniali*, shortly after, within two months, his father deceaseth. He perceiving his father heavily burthened with debt, more than all his goods would satisfy, ceaseth to meddle by uplifting the duty, and being pursued in this action, offered to renounce the said infestment, *cum omni causa* ; which he alleged could not be denied him, *rebus adhuc integris* ; and especially considering, that, at the time of receiving the infestment, he was minor, and could not know his father's burdens, he neither being inhibited nor at the horn. Nevertheless, for all these allegeances, the Lords decerned registration ; reserving to him his action *de restitutione in integrum, prout de jure*. For they thought that his sasine, (especially it being taken *propriis manibus*,) and confirmation of the superior, the Constable of Dundee, thereupon ; was as good as if he had apprehended possession, by uplifting of the mails and duties ; and that ignorance of his father's estate could be no more profitable to him than to an heir who had ignorantly and precipitately meddled with any heirship-goods, who afterwards had no place to resile or renounce.

Page 299.
