

1627. *March 13.* JAMES MACKGIE *against* GEORGE LEVINGSTON.

JAMES Mackgie pursued his tenants for their mails and duties of the Whitsunday's term 1626. Compeared George Levingston, and alleged they appertained to him, by virtue of a comprising led by him, against the pursuer, of the same lands. Replied, That his comprising was after Whitsunday, and so he had no right to the mails owing before. Duplied, That he had comprised all right standing in James Mackgie's person the time of his comprising, which behoved to include the duties owing to him by the tenants. The Lords repelled the exception in respect of the reply, and thought a compriser could have no right to bygone mails; but that he should poind them, and not claim them by his comprising.

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1627. *March 15.* LAWRENCE CRAWFORD *against* MALCOLM CRAWFORD.

Lawrence Crawford sought letters conform, upon a presentation given to him of the chaplainry of Jordanhill, by the Laird of Kilbirny, patron thereof. Excepted by Malcolm Crawford, That there was another who was in possession thereof, *per decennium et triennium*, and that by gift of old Kilbirny, this laird's father, and to whom he was heir; which chaplain had set tack to him of his lands, by virtue whereof he had good right to exclude the pursuer from getting of his desire. The Lords repelled the exception, and thought it could not hinder him to get letters conform, especially the other titular not compearing; but that it would be relevant when this pursuer intended action for the duties upon his provision.

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1627. *March 16.* JOHN INGLIS *against* GILBERT KIRKWOOD.

JOHN Inglis pursued Gilbert Kirkwood for the spulyie of the teinds of Killeith. Alleged, That the summons could not be sustained against him, because he did not intromit with them at all, but had set both stock and teind to the tenants, who paid him a duty for all together. The Lords, notwithstanding, repelled the exception, because they thought he might be convened at the first for the spulyie, seeing the tenants would have their relief against him, if they were first decerned.

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1627. *March 16.* N————— *against* FRIER CASSIE.

In a summons for multures, pursued by N. against Frier Cassie, the Lords