

1627. *February 14.* WILLIAM DOUGLAS *against* The PARISHIONERS of HAYMOUTH.

WARNING made at Coldingham, whereof the kirk of Haymouth is a pendicle, was sustained by the Lords, although the warning was not made at Haymouth, notwithstanding the kirk of Haymouth was erected by the king into a parish kirk, and the same was planted with a minister, and the Word and sacraments had been used there divers years before the warning; because no new parish kirk can be erected but by Act of Parliament.

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1627. *February 16.* LORD SEMPELL *against* GAVIN BLAIR.

LORD Sempell pursues Gavin Blair for some wax and paper, as the blench duty contained in the defender's charter, for the space of divers years that the same had been unpaid. The defender excepted, that, by the clause "*si petatur tantum,*" he was free of bygones. The Lords found the exception relevant, and ordained the pursuer to require yearly at the term, conform to the words of the charter.

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1627. *February 16.* LAWSON'S EXECUTORS *against* KILLEWS.

THE executors of umquhill Alexander Lawson in London, pursue Killews, as debtor to the defunct, and produce the extract of his confirmed testament after the English form, which contains no inventory. The Lords ordained the pursuer to find caution to warrant the defenders at all hands, or to prove that the extract produced was according to the form of England.

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1627. *February 24.* KERNOCKIS *against* KNOWS.

AN heritable bond may be pursued, either against the heir or executor of the debtor, at the option of the creditor.

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1627. *February 24.* JAMES MOWAT *against* DAVIDSONE.

AN action of ejection restricted to the ordinary duties, and possession sus-