

The following CASES, and those in the preceding pages, marked as taken from 2d MS. are not found in the MS. followed by MR MORISON, while printing in his Dictionary the Cases from AUCHINLECK referred to in the Folio Dictionary by LORD KAMES.

1627. February 13. Ross against M'RULE.

THE minute of an instrument of resignation, noted on the back of the procuratory, and subscribed by the notary ; after the notary's decease, is desired, by a summons, to be extended and given out under the clerk register's subscription ; at the least the said minute may make faith. The Lords sustained this last part.
2d MS. Page 107.

1627. February 14. MACMARTIN against ANDREW COUPER.

COMPRISING must proceed upon a particular charge to enter heir to the lands which are to be comprised, after sentence be obtained against the apparent heir for the debt, upon a general charge to enter heir ; otherwise the comprising is null.

2d MS. Page 29.

1627. November 16. The LAIRD of CLACKMANNAN against The LAIRD of BONYMOON, and FINDOWRIE.

THE Laird of Clackmannan, being infest in an annualrent of £600, furth of the barony of Bonymoon, or any part thereof, in October 1624, to be holden of the Laird of Bonymoon, and his heirs, which infestment is confirmed by the king *in anno* 1625 ; he receives payment of a term's annualrent after his infestment, and raises summons, in March 1627, against the Laird of Bonymoon and the tenants, to hear and see letters directed for pointing of the ground. Compears Findowrie, alleging him to be infest in one of the roums in January 1625, and, by virtue of his infestment, had apprehended possession, by the space of year and day, before Clackmannan's citation : in respect whereof, and by reason of the Act of Parliament, King James V, Parl. 7, cap. 105, he ought to be preferred, notwithstanding that Clackmannan's right was prior, and confirmed. The Lords found Findowrie's exception relevant, in respect of his infestment clad with a year's possession.

2d MS. Page 188.