

*Act.* ———. *Alt.* Burnet, *major.* Hay, *Clerk.* *Vid.* 20th December, 1622, Knox, and the other cases there; 19th March 1628, Lamb *against* Blaikburn; 28th February 1628, Glen.

*Page 507.*

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1630. *March 19.* JAMES HAY of FOUR-LANDS *against* The LAIRD of AUCH-  
NAMES.

It was found, that a declarator of non-entry needed not to abide continuation, the superior's sasine being produced of these lands.

Hay, *Clerk.* *Vid.* 23d March 1630, betwixt the same parties; as also L. Kilbirny *against* Ker, *ibidem.*

*Page 510.*

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1630. *March 19.* BROUN *against* MITCHEL.

A DECRET, before the sheriffs of Edinburgh, was sustained, decerning a party to pay to the owner a sum of money yearly, for the use of his work-looms for the smith-croft.

*Page 510.*

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1630. *June 17.* M'ADAM *against* The LAIRD of KERSS.

A BOND, whereby the master borrowed from his tenant 500 merks, and allows so much of the duty of the maills which the tenant should pay for the land to him, to be allowed and retained in his own hand for the annual-rent and profit of his money, ay and while he should be repaid of the said principal sum; which bond being confirmed by the executor of the person who was made assignee thereto by the tenant creditor; and the executor having charged the debtor for the said principal sum, who suspending that it was heritable, and pertained to the heir of the assignee, and not to his executor;—the said bond was found heritable, and that it pertained to the heir, and not to the executor, being of the tenor foresaid; and that the creditor should retain so much of the duty of the lands for the annual-rent and profit thereof yearly, while it was repaid.

*Act.* Miller. *Alt.* Belshes. Gibson, *Clerk.*

*Page 519.*

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1630. *June 24.* FAIRHOLM *against* HUME.

AN obligation of £200 being desired to be registrat by the creditor against the heir of the debtor; who alleged it was null, because it was made by the al-