

and Sir William Cunningham, pretending right to the duty of certain lands of Halls, which pertained to the old Lady Sutherland in liferent.

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1631. *February 15.* JOHN INGLES [OF DOUGLAS] *against* ANNA SHARP.

JOHN Douglas, merchant, pursues Anna Sharp, relict of umquhile Robert Bruce of Pitlithie, executor confirmed to umquhile John Sharp, for payment of certain merchandise furnished for apparel to the said umquhile John Sharp, a little before his decease. It is excepted by the defender, That the said umquhile John Sharp being minor, his executors cannot be obliged for any gear furnished to him without direction of his curators. It was replied, That the pursuer being his merchant before, and in use to furnish him, and he being past 17 or 18 years of age, might very lawfully take up such merchandise as was necessary for him, *viz.* apparel, whereof he produced the accounts, and offered to prove the delivery of the particulars to the minor, and referred to the Lords the reasonableness of the prices. The Lords repelled the exception, in respect of the reply.

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1631. *February 16.* THE LORD CRANSTOUNE *against* ANDREW SCOTT.

THE Lord Cranstoune, superior to Sir John Scott of Newburgh, of the lands of Favodsheill, seeks a declarator of the said Sir John his liferent, as fallen to the superior, by his vassal's remaining at the horn attour year and day. Compars Andrew Scott, chirurgion, creditor to the said Sir John, and who had comprised from him the said lands, alleging, No declarator can be granted of Sir John his liferent in favours of the pursuer, superior; because he, as creditor, had comprised the said lands, at the least, had denounced the said lands to be comprised before expiring of year and day, after the said Sir John was denounced rebel. To the which it was answered, That the horning being *in cursu*, and the rebel not being relaxed before the expiring of year and day, the denunciation of the lands could not prejudice the superior of his casualty, except the creditor had comprised the lands and charged the superior to receive him before year and day had expired. Which reply the Lords found relevant.

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1631. *February 22.* DAVID MURRAY OF HALMYRE *against* LORD YESTER.

IF the sums contained in the legal reversion of comprised lands be not known to him that has right to redeem, he may summon the hail comprisers to compear at any term, at the parish kirk where the lands ly, or at St Geill's kirk in Edinburgh, to receive their sums contained in their comprisings; and if they compear not and produce their comprisings, whereby their sums may be known to