

life-time; the Lords found, That they would grant no defalcation therefore, but declared, that whatever should be modified and decerned to be paid to the superior by the compriser, that the payment thereof should be superseded to the life-renter's decease, and that he should not be subject to pay the same, so long as she lived.

No. 60.

Act. Baird.

Clerk, Gibson,

Fol. Dic. v. 2. p. 409. Durie, p. 686.

1636. March 11. SCOT against ELLIOT.

No. 61.

No deduction allowed the compriser, though the lands be life-rented; but payment may be suspended until the life-renter's death, and in the mean time sufficient security.

Fol. Dic. v. 2. p. 410. Durie.

* * This case is No. 20. p. 201. *voce* ADJUDICATION.

See No. 60. *supra.*

1636. March 29.

WILLIAM COWAN, Bailie of Stirling, *against* The MASTER of ELPHINSTON.

No. 62.

William Cowan charged the Master of Elphinston to infeft him in the superiority of certain lands. The Master having required of him a year's duty, conform to the act of Parliament, as the lands paid, the Lords found the charger could pay no more to the superior but a year's duty of that which he was to get himself when he was entered; which was only so much feu-duty paid to him by his sub-vassals, and not a year's duty of the lands which pertained not to him but to his sub-vassals.

Fol. Dic. v. 2. p. 409. Spottiswood, p. 56.

* * Durie's report of this case is No. 21. p. 202. *voce* ADJUDICATION.

A similar case is reported by Durie, 15th February, 1634, Monkton against Yester, No. 20. p. 15020.

1637. March 30. PATERSON *against* MURRAY.

No. 63.

Thomas Paterson having charged Walter Murray, superior of the lands of Crobelaw, to receive him therein, upon his comprising thereof, deduced against John Hoppringle, as lawfully charged to enter heir to Sir James Pringle of Gallashiels, his father, for the sum of 2300 merks, addebted by the said umquhile Sir James to him; which charge being suspended by Walter Murray, upon these reasons, that Sir James, from whose son, as charged to enter heir,

If the debt in the comprising be small, the Lords will modify the year's rent proportionally.