

delivered to the suspender such and such spesces ; whereof the charger craves the best in ilk kind.

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1649. *December 18.* JANET TULLOCH and WILLIAM MITCHALL, her Husband, *against* WALTER WARDROPE.

IN the suspension at the instance of Janet Tulloch and William Mitchall, her husband, against Walter Wardrope, the letters were found orderly proceeded, notwithstanding that the articles of count anent the venting of wine were above £100, and so not probable by witnesses : as also not pursued within three years ; and so prescribed by the Act of Parliament, except it had been proven by writ or oath of party ; because, the decret [was] given, *parte comparente*, and the husband with the wife aye cited and compearing by their procurators, even until the last diet ; where the wife, compearing, deferred a promise of quitting all to the oath of Margaret Wardrope, her mistress, and cedent to the pursuer.

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1649. *December 18.* JANET LOWSONE *against* GILBERT JACKESONE.

IN the action of registration, Janet Lowsone against Gilbert Jackesone, the Lords sustained the action against the said Gilbert, as behaving himself as heir with the heirship goods of umquhile Thomas, contractor, his brother, who had lived thirteen or fourteen years after his father's decease, in the house with his mother : as likewise, sustained the same against the said Gilbert, as intromitter with the said umquhile Thomas his other moveables : notwithstanding, it was alleged, That he meld by tolerance of the mother, liferentrix ; because it was offered to be proven, that he paid the servants' fees, hired them, coft and sold horse and nolt, &c. as *dominus*. It is to be noted, that this Lowsone was relict of a mid-brother, named William, for whom the said umquhile Thomas did contract with this poor woman.

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1649. *December 18.* BALMANNO and CHAPMAN *against* LITTLEJOHN.

IN the action of suspension and reduction, Balmanno and Chapman against Littlejohnne, who had charged upon a decret for heirship of a woman named Murray, obtained before the bailies of Perth more than twenty years since, the reason [was,] That she could not have an heirship, deceasing before her husband, *propter communionem bonorum inter virum et uxorem* : and that the constant practice of all the consistories of the kingdom was to confirm the whole moveables belonging to man and wife, the heirship belonging to the man being deduced : so that the division was made, whether the wife's executors got third or half,