

continued till their marriage, or the payment of their tocher, they being minors, and lesed, by not pursuing therefore at the age of fifteen; but that they could not have annualrent, seeing the contract bore none.

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1664. *December 17.* MR THOMAS PATERSON *against* WATSON.

MR Thomas Paterson charges Watson to remove from his glebe; who alleged the designation is null, because it is not subscribed by the ministers, designers, but is only the assertion of a notary. *2dly.* By the Act of Parliament 1663, anent glebes, there is an exception of royal burghs, to which ministers' glebes are not due; *ita est* Dysert is a royal burgh. The charger answered to the first, That the having a warrant from the bishop and presbytery, his instrument of designation is as sufficient as a seisine to give right to land. And to the second, The royal burghs excepted must only be understood of such who have not a landward congregation, but are chiefly constituted of an incorporation for trade; but this burgh is notourly known to be but a burgh of barony, holden of the Lord Sinclair; albeit it has the privilege of a vote in Parliament, and is a parsonage. The Lords sustained the designation; but, before extract, ordained the testificat of the ministers, designers, under their hands, to be produced.

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1664. *December 22.* CORNELIUS INGLIS *against* MR RODGER HOG.

MR Cornelius Inglis, being infest upon an apprising, pursues a removing; compearance is made for Mr Rodger Hog, who alleged, That he is also infest, and had charged the superior, though after the first appriser, and had possessed seven years, by lifting the mails and duties; and therefore craved the benefit of a possessory judgment. The Lords, having considered the case amongst themselves, whether an apprising and charge, without infestment, could give the benefit of a possessory judgment, they were equally divided in their votes; and the President resolved, before he gave his vote, to settle the parties.

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1665. *February 15.* THE BISHOP of DUMBLAIN *against* EARL of CASSILS.

THE Bishop of Dumblain pursues the Earl's tenants for the teinds of the abbacy of Corsregual, as a part of his patrimony annexed thereto by the Act of Parliament 1617. The defender alleged no process till the Act of Annexation, being but an Act unprinted, were produced. *2dly.* Absolvitor; because the defender had tacks from the king *in anno* 1641; and, by virtue thereof, was in possession, and could pay no more than the duties therein contained, till they were reduced. It was answered to the first, It was notour; and, if the defender

alleged any thing in his favour in the Act, he might extract it. *2dly.* The defender could not claim the benefit of his tack 1641; because the bishops are restored to all they possessed *in anno* 1637; And so not only right, but possession, is restored to them as then, which is as sufficient an interruption, by public law, as if it were by inhibition or citation. Which the Lords found relevant, being *in recenti* after the Act, and never acknowledged by the bishops.

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1665. *February 24.* M'GREGOR *against* MENZIES.

THERE being a question arising betwixt M'Gregor and Menzies, upon a decret-arbitral,—the Lords found the decret-arbitral null, proceeding upon a submission of this tenor;—submitting to the arbiters, aye and while they meet, at any day and place they found convenient, with power of prorogation, without any particular day for giving their sentence, blank or filled up; because the decret-arbitral was not within a year of the date of the submission, nor any prorogation during that time.

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1665. *June 8.* ————— *against* —————.

THE Lords intimated to the writers, keeper of the signet, and clerk of the bills, an Act of Sederunt, prohibiting general letters, upon presentations or collations of ministers, whether having benefices or modified stipends, until every incumbent obtain a decret conform; albeit they should produce their predecessor's decret conform, or a decret of locality, containing the stipend particularly.

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1665. *July 5.* GEORGE DUMBAR *against* The EARL of DUNDIE.

GEORGE Dumbar having charged the Earl of Dundie, as cautioner for the Laird of Craig, to pay 8000 merks of tocher, provided by Craig's sister's contract of marriage; the Earl of Dundie suspends on this reason, That he is but liable for his half, because they were not bound conjunctly and severally. The charger answered, That he was bound as cautioner and full debtor, which was sufficient. Which the Lords sustained.

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1665. *December 23.* The LAIRD of CESNOCK *against* LORD BARGANY.

THE Laird of Cesnock and the Lord Bargany and Balcarras being bound,