

ticks, subscription by initial letters was sustained. This was done, *me reclamante*, upon these reasons:—That the practicks, sustaining subscriptions by initial letters, were where the same were done before witnesses, and the subscriber did not offer to improve; and that it was against our law, that the writ, neither being holograph, nor the mark put before witnesses, that a custom to subscribe some other being proven, which were acknowledged and satisfied by payment, should be sufficient, without any adminicle, to sustain any other bill or writ to be obligatory.

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1669. *February 3.* BEATIE *against* ROXBURGH.

BEATIE being assigned to the provision contained in the contract of marriage betwixt Roxburgh and Anna Sandilands; whereby Roxburgh was obliged to infest her in an annualrent, effeiring to 3000 merks; as likewise to a liferent of the whole conquest during the marriage. And accordingly, having conquest some lands, and provided her to the liferent thereof, Beattie, as assignee foresaid, did pursue for the annualrent of the 3000 merks.

It being ALLEGED, That she being infest already in as much rent as the annualrent of 3000 merks, it ought to be ascribed to the implement of that obligation; and so could only pursue upon the provision of conquest:

Notwithstanding whereof, the Lords found, That her infestment being in the conquest lands, did not hinder her to pursue for her liferent of the 3000 merks; they being distinct obligations and consistent.

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1669. *February 6.* CARGILL *against* LIDDELL.

CARGILL, being minister of a kirk at Glasgow, *in anno* 1662, and having served that year, did pursue the town of Glasgow for the last half-year's stipend; wherein compearance was made for Mr David Liddell, who succeeded to that kirk, and ALLEGED, That the pursuer, neither having received a new presentation from the bishop, nor having kept the anniversary thanksgiving, was deposed; and by an act of council, October 1662, it was declared, That all ministers, who should not keep the anniversary day, should have no right to that year's stipend, or any part thereof.

To which it being REPLIED, That, for the first part of the allegiance, in not taking a presentation; by an explanatory Act of Parliament, it was declared, That it should not be extended to the year 1662. And as to the second part, anent the keeping of the anniversary day, it being REPLIED, That the Act of Parliament, enjoining the same, was not penal; and that the Act of Council, declaring them to lose that year's stipend, could [not] be extended *ad præterita*:

The Lords did sustain the said reply to both these members, and found Cargill had right to the whole stipend 1662. This was done, *me reclamante*, upon this reason:—That the Act of Parliament having declared, That all ministers