

bill of suspension upon this reason,—that he had a tack of tolerance from Mr Thomas Baird, who was curator, *sine quo non* to George Chalmers, who bruiked the said tenement, *pro indiviso*, with Mr Charles Lumisden.

The Lords refused to pass the bill upon that reason; in respect the pupil himself being *majoritati proximus*, and having the consent of another curator, who did join with Lumisden, who did bruik with the minor, *pro indiviso*, and did set the same; especially the prior tenant being run in arrears, and Nidrie, a man most responsible, who was to enter.

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1670. June 28. ——— against ———.

ARCHIBALD LAW, having given in a bill, that the Lords would give warrant to the writers of the signet to write out letters of apprising of the teinds and patronage of Innerwick, upon a bond granted by the Earl of Salisbury for a sum of money, *ad hunc effectum* only, that comprising might be led, bearing his consent; which warrant was craved by the writers for this reason,—That, by an old Act of Parliament, and constant custom and practice, no comprising could be led till after searching of the ground and pointing of moveables, if any were; and that, by an Act of the last session of this Parliament, there could be no pointing of moveables but after a previous charge of horning.

The Lords, notwithstanding, did grant warrant for comprising, in respect of the consent of the party and the conception of the bond; which was only granted for that effect: and found, That letters of horning and pointing were only necessary where bonds were granted, or decreets gotten, for payment of liquid debts at a certain day.

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1670. June 29. The MINISTER of AUCHTERHOUSE against MR ROBERT HAY of DRONLAW.

THE minister, being presented to the kirk of Auchterhouse, and unto the whole parsonage teinds thereof, by the Bishop of Dunkeld, as being, at his presentation, *jure devoluto*, the Earl of Buchan, who was patron, neglecting to present, did pursue Dronlaw for the teinds of his lands for several years since the presentation.

It was ALLEGED for the defender, Absolvitor; because the Earls of Buchan, having always agreed with the former ministers, and been in use to pay a modified and local stipend, this minister could crave no more than his predecessors.

The Lords did sustain the defence as to all bygones which were *bona fide* paid by the defender to the Earl of Buchan; reserving action as accords for the future.

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