

should be attested by the clerk-register under his hand ; and that without any exception when the Parliament did sit or not, or when the commissioners were absent.

The Lords, having considered the Act of Parliament, did find, That no allowance ought to be given where there were adjournments of Parliament for any long time, except to commissioners who were for remote shires, who could not conveniently get home and return to their own houses upon their private business ; but, as to commissioners for shires near to Edinburgh, not only they should have no allowance when the Parliament was adjourned for above eight days, but even when they were adjourned for a few days, they should have no allowance but when they were actually in Edinburgh attending the Parliament.

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1674. *June 13.* MR COLLINE CAMPBELL *against* GEORGE CAMPBELL of AIRDS, and MR JOHN, his Brother.

IN a suspension raised at the instance of George Campbell, and Mr John, his eldest son, who were charged at the instance of Mr Colline, his second son, to make payment of the sum of _____, contained in their bond, upon this reason, That, by a condition in the bond, there was no annualrent to be paid during the father's lifetime ; and, therefore, the father being yet alive, and the annualrent being only due by the eldest son after the father's decease, the principal sum could not be charged for, to be lent out to another upon annualrent ; seeing that would evacuate the condition of the bond, and take from them the benefit of making use of the principal without payment of the annualrent.

It was ANSWERED for the charger, That, notwithstanding of that condition, there being a special term of payment inserted in the bond, with the consent to raise horning and charge for payment after the said term, both by the father and elder brother, the letters ought to be found orderly proceeded, notwithstanding of the said condition, and that the father was yet alive.

The Lords did find, That this bond, being conceived as said is, the condition would import no more but to free the suspenders of annualrent until the term of payment, the father being then alive ; and therefore ordained the letters to be put in execution, and annualrent to be paid since the term of payment.

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1674. *June 16.* MR WILLIAM DUNDAS *against* MAJOR BIGGAR of WOLMET.

IN a count and reckoning at Mr William Dundas his instance, as having married one of the daughters of Wolmet, against Major Biggar, who was curator to her and the rest of the sisters ; there being an article, craving that the Major should be liable for the back-tack duties which the daughters were decerned to allow to the wadsetter, upon these reasons :—That the daughters having right to the coal of Wolmet, by a sub-tack flowing from the Laird of Wolmet, their father, who had granted a wadset of the lands, upon a back-tack, for