

payment, by intromission with the rent of the debtor's estate, and by pointing of his goods:—

The Lords, finding great trouble by such bills, where the charger was not present to answer, and resolving to take a just course in these cases in time coming, did all agree to make an act of sederunt for the future: and did enact, That all prisoners who were to present such bills, after the 1st of November next, should intimate to the chargers, at whose instance they were imprisoned; and to other creditors who had arrested them in for debt; that they were to present such a bill to the Lords betwixt and a certain time, and thereupon take instruments in a notary's hands, and send the same, with their bill; without which, neither in the time of session, nor any three Lords in the vacancy, should pass such bills: which act, as it is most just in itself, the utmost of legal diligence being used, the creditors ought not to be frustrated thereof, without they were heard; so it will prevent many gross abuses and trouble arising upon base alleigances, setting at liberty debtors who are denounced rebels, who, having their persons free, take no care to pay their debt.

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1675. July 14. The VISCOUNT of STORMONT *against* ROBERT and GRIZELL ANDERSONS.

IN a reduction of a decret of spuilie, obtained before the sheriff of Perth, upon this reason,—That the pursuer did lawfully point the goods alleged spuilied, upon a decret for the feu-duties of the vassal, which are *debitum fundi*; and so did affect the lands and corns that were in the barnyards upon that same ground:—It was ANSWERED, That the corns being sold by the vassal, delivered and transported to another barnyard than that of the vassal's, against whom the decret was given, and so the proper goods of the buyer, could not be pointed for the seller's feu-duties.

It was REPLIED, That that rouse and barnyard to which the corns were carried, being part and pertinent of these same feu-lands, out of which the feu-duties were payable, he might lawfully point for the same.

The Lords did repel the answer in respect of the reply, and reduced the decret; and found it lawful to the superior to point upon any part of the lands set in feu, out of which the feu-duty was paid, whether it be the principal lands denominated in the feu-charter, or part and pertinent thereof; albeit the rouse or barnyard, out of which the corns were spuilied, be distinct from that of the vassal's, and the tacksman or possessor not convened or decerned.

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1675. July 21. HENRY TROTTER of MORTOUNHALL *against* The Heirs of Line of MR JOHN TROTTER of CHARTERHALL, and The LAIRD of RENTOUN.

MORTOUNHALL, as having right by translation to the sum of two thousand