

ing the Town's debts, or if it has been inverted. See, anent this, many things scattered up and down in other collections beside me.

*Nota.*—The mortifications the Town sets apart for their ministers' stipends, are, *1mo*, The annuity, which commonly is roup'd at about 11,000 merks. *2do*, The rents paid for the seats in the church, roup'd at 3,600 merks. *3tio*, Their old kirk rents, being mortifications and ground annuals due to the chaplainries and altarages of St. Giles's collegiate church, amounting to 3000 merks. *4to*, The merk upon the tun of all goods imported into Leith, set at 3,400 merks, making in all little more than 20,000 merks. Whereas the Town, without ever having got a charge of horning, or being pursued, past memory of man, pays 27,000 merks *per annum* to their ministers.

Another complaint of the lawyers was, That the Town's collectors poided their houses summarily, without suffering the 15 days of the charge to expire before the poiding, as the Act of Parliament 1669 requires.

The President declared, the Lords would hear no other points till that of the annuities was first determined.

*Vol. I. Page 21.*

1678. November 20. SETON *against* ———.

Mr Alexander Seton, minister at Linlithgow, against ———. The Lords in this case found the same which they had decided formerly, That the allowance of a comprising was not absolutely necessary, but only in case of a competition, where it will give preference to the comprising allowed; but the debtor cannot object the want of it as a nullity. See Hope's *Min. Pract. c. 10*, and 25th July 1679.

*Vol. I. Page 25.*

1678. November 30. JOHN MARISHALL *against* JAMES SCOT.

The Lords this day readvised the testimony of the witnesses adduced in John Marishall's cause against James Scot, and adhered to their former sentence, and found the contravention of the lawborrows fully proven; and that Scot's son was then *in familia* with his father, and was not merely making a visit to him. But, in respect Scot is not a freeholder, but only a feuar, they restricted the 1000 merks decerned for, to 500 merks, which is the only pains of contravening lawborrows imposed by the [act] 1593, c. 166.

*Vol. I. Page 26.*

1678. December 3. ANENT MOVEABLES.

It was questioned, if, in a disposition of moveables, the words *utencils* and *domicils* comprehend habilyment of one's own body. And it was generally