

being cited before the admiral, Martine was decerned for not finding caution *judicio sisti*, and was fugitive ; and, being apprehended at London by Van Portan, he did acknowledge the piracy, and enumerated the goods, amongst which these in question were contained : he being voluntarily dismissed by Van Portan, upon that confession.

*Vol. II, Page 750.*

1680. *February 6.*

NAPIERS, Supplicants.

NAPIER of Wrights-houses having died without issue, two women of his name, of a far relation, gave in supplications, bearing,—That either party might take out brieves out of the Chancellery for serving themselves heirs to the defunct, which might be directed to any judge ordinary in Scotland, which cannot otherwise be known to the supplicant ; whereby an ignorant inquest may serve ; which will put them to the difficulty and necessity of reduction ; and therefore desiring that the Lords would prohibit brieves to be issued or served, till they were cited to the service.

The Lords gave an injunction to the director to the Chancellery, ordering that he should give out brieves to neither party, till that party demanding the brief return an instrument of the intimation to the Chancellery ; bearing intimation of the brief demanded, and of the judge to whom directed, and of the day in which she is to be served : that thereby the other parties might attend, and might be heard for their interests.

*Vol. II, Page 754.*

1680. *February 18.* The EARL of MARR *against* His VASSALS.

THE Earl of Marr having pursued reduction of a feu, upon a clause therein,—“That upon two terms running in the third it should be null ;” and for instructing thereof, produced the vassal’s retour :

The Lords suffered the vassal to purge by payment at the bar ; seeing the retour bears a feu-duty, *si petatur*, in the first part of the retour bearing the defunct’s right ; though these words were not repeated in the posterior clause of the retour or precept, declaring the feu-duty, and expressing the clause irritant.

*Vol. II, Page 759.*

1680. *February 25.* SIR JOHN SCOT *against* The ARCHBISHOP of GLASGOW.

SIR John Scot, having right from the Earl of Lothian, who had the gift of patronage of the church of Ancrum from the King, *in anno 1625* ; did thereupon present ; and having obtained horning of course, did charge the Archbishop to try and admit. He gave in a bill of suspension ; whereupon the cause was ordained to be discussed ; and insisted upon this reason,—that he was not obliged