

1686. *March 5.* CHALMERS of BALBITHAN *against* DOCTOR CHALMERS, &c.

THE case of Chalmers of Balbithan against Doctor Chalmers and his Mother, being reported by Forret; the Lords sustain the order of redemption, notwithstanding of the irritancy, which is but *pactum legis commissoriæ*; and find the pursuer not liable in the annualrent of the consigned money, in respect of the offer made to Doctor Chalmers, being personally present, and the consignment of the money upon the Doctor's refusal thereof; though the reversion bore the Dean of Guild and the Treasurer of Aberdeen, and it was only offered to the Dean of Guild; unless he prove the money was lifted. And restrict the interrogatories to what is subsequent to the Doctor's letters, by which he declares the lands shall be redeemable from him. *Vol. I. Page 407.*

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1686. *March 11.* GUSTAVUS CRAIG *against* WAUCHOP of CAIKMUIRE.

THE case of Gustavus Craig against Captain Wauchop of Caikmuire, was reported by Boyne; and the Lords find his obligation in the contract matrimonial correlative, and so behoved to be implemented *simul et semel* with the paying the tocher; as in Arthur Forbes's case with the feuars of Balveny in 1672.

The words of the interlocutor were:—The Lords find the letters orderly proceeded, the charger *simul et semel* employing the 2000 merks for the bairns of the marriage, (the wife being now dead,) in the terms of the contract; but assolyied from the aliment given for many years to Gustavus's son, because it is presumed to be done *ex pietate*; he being grandfather, and having made no paction with his son-in-law thereanent. *Vol. I. Page 408.*

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1686. *March 16.* LORD YESTER *against* SIR WILLIAM SHARP of SCOTSCRAIG.

MY Lord Yester having given in a bill against Sir William Sharp of Scots-craig; the Lords find that his uncle being in possession, by virtue of a tack, of the estate of Lauderdale, though it was expired, yet he might continue to possess *per tacitam relocationem* till he was legally warned. *Vol. I. Page 408.*

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1686. *March 17.* THOMAS WILSON *against* FOULIS of RATHO and THOMAS LERMONT.

THOMAS Wilson's cause against Mr Thomas Lermont and Foulis of Ratho, mentioned 29th November 1683, and 16th January 1684, being reported by