

No 16. upon oath in his just proportion with the rest of the Town, and that in respect of the exorbitancy of the suspender's proportion.

Stair, v. 2. p. 831.

. Sir P. Home reports this case:

1681. *December.*—PATRICK RUSSELL, late Bailie of Bamff, being stented by the Magistrates of Bamff in the sum of L. 49 Scots as his proportion of the public imposition; whereupon he being charged, he suspended upon this reason, That he was unjustly and exorbitantly stented; as also, the stent was not warrantable, the same not being constituted by sworn stent-masters; which being found relevant, the LORDS granted commission to four men within the burgh, two to be chosen by the Magistrates and two by the suspender, to revise the stent and make report to the Lords.

Sir P. Home, MS. v. 1. No 49.

No 17. 1686. *February 1.* The Lady SAMFORD *against* The TENANTS.

FOUND that a wife infeft in an annualrent of victual for her jointure, is liable to pay assessments and public burdens, as if it were money.

Harcarse, (CONTRACTS OF MARRIAGE.) No 378. p. 98.

No 18. 1688. *January.* Lady ELSH-SHEELS *against* The Laird of ELSH-SHEELS.

FOUND that a liferent of an annualrent of money or victual due to a relict, was subject to public burdens as well as liferent of lands, unless there be a personal obligation to pay.

Fol. Dic. v. 2. p. 290. Harcarse, (LIFERENTS.) No 672. p. 191.

. Sir P. Home reports this case:

IN an action at the instance of the Lady Elsh-sheels against the Laird, the LORDS found, That the Lady's liferent-annuity was not to be burdened with the public burdens, in case the Lady make it appear, that the time of the contract of marriage, the Tenants of the lands were obliged to relieve the heritor of the public burdens.

Sir P. Home, MS. v. 3.