

would fall ; and that Stair, M'Kenzie, and others, were all of this opinion ; and the act of Parliament 1584, speaks only of a reasonable number of witnesses to seasines,—which may be verified in two.

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1692. *December 6, and February 2, 1693.* IRVINE of Artamford *against* ROBERT KEITH of Lentush.

1692. *December 6.*—IN the petition given in by Irvine of Artamford against Mr. Robert Keith of Lentush, craving a sequestration of the rents of the lands of Fedderet ; and Artamford's probation on a commission that Lentush's possession was *vi clam vel precario*, when he was executing a caption against Fedderet, and seeking him in his own house, that he kept possession of the house ; the Lords now granted a conjunct probation to Lentush to instruct the manner of his entry to the possession, whether it was *via juris aut facti*,—to be reported the 8th January ; and, in the mean time, ordained them to discuss the point of right and preference ; with certification, that whoever tergiversed or failed, the possession should be given to the other party.

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1693. *February 2.*—Irving of Artamford against Mr. Robert Keith of Lentush, mentioned 26th December, 1692. The Lords would not admit of this exception to stop a certification in an improbation, that you cannot quarrel my right, because you gave warrant to Irving of Cults to subscribe that contract for you, wherein you restricted your sum, and passed from your legal ; and I am content to pay you, and offer to prove the giving the warrant by your oath : for the Lords considered Artamford was not in town, and to grant a commission, was to stop the process till June ; and, therefore, repelled it *hoc loco*, but reserved it when they should come to debate the reasons of reduction.

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1693. *February 3.* The ADMINISTRATORS of HERIOT'S HOSPITAL *against* SIR WILLIAM NICOLSON'S Creditors.

THOMAS FISHER, treasurer, and the other administrators of Heriot's Hospital, against the creditors of Sir William Nicolson. The Lords found the old feu-duty of Freerton to the abbot and monks of Hollyrood-house was 12 merks yearly ; and that Forrester of Corstorphen, their vassal, having acquired in the superiority of it from the Ballandens of Brughton, who were lords and titulars of the erection of that Abbacy, (and which Brughton was excepted out of the act of annexation of kirk-lands 1587,) he came to have right to his own feu-duty. But the tenth act 1633, having annexed the superiorities of all kirk-lands again to the Crown, and only declared, that the feu-duties should be redeemable from the lords of erection, at ten years' purchase ; and the fourteenth act of that Parliament declaring, that where they have acquired in the property of these feus, they must pay the old feu-duty contained in the ancient infestments ; and that Brugh-