

diet for the roup set, he could not be admitted, *hoc ordine*, to stop it; neither could he serve heir; because, his father being dead before the Act of Parliament, he had a year allowed him, which is now elapsed; and minors are not excepted by that Act.

The Lords refused the desire of his petition.

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1700. *February 29.* LORD CARMICHAEL *against* WILLIAM CHEISLY.

THE Lord Carmichael, secretary, as superior of the lands of the Townhead of Grange, pursues a non-entry. Mr William Cheisly compears, and ALLEGES he has right, by apprising, from Muir of Anniston; and that, by a verbal agreement, my Lord condescended to accept him as vassal, on paying a year's rent; and whereof he had paid his chamberlain a part, and gotten his discharge.

ANSWERED,—Anniston had no right; and so his apprising was against the wrong person. *2do.* The superior would pay the debt and take the land to himself; which is both consonant to the feudal law, *per retractum dominicum*, and to our Acts of Parliament, Act 36, 1469: and any promise emitted, never being redacted into writing, and which could only be perfected by granting a charter, there was *locus pœnitentiæ* before performance; and so the promise is not obligatory.

The Lords considered there was *rei interventus* here, by paying in a part of the composition; and therefore ordained my Lord to depone first anent the promise.

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1700. *June 7 and 22.* GEORGE CAMPBELL *against* HIS CREDITORS.

*June 7.*—MR George Campbell, in the Canongate, gives in a petition to the Lords, craving they may grant him an act and warrant for citing his creditors to this present Parliament, in order to his obtaining a personal protection; seeing, by the Act in 1698, no protection can pass now without citation and hearing of creditors.

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*June 22.*—The petition given in by Mr George Campbell, mentioned *supra*, 7th June 1700, is now renewed, and a warrant to cite his creditors before the Parliament craved; seeing now there is a plain adjournment by the Privy Council's proclamation on the King's letters, from the 20th of June to the 4th of July, by which the Lords found themselves now sufficiently authorised; and therefore granted warrant.

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1700. *June 11.* SALE OF YEOMAN OF PITTENCREIF'S LANDS.

IN the action of sale of Yeoman of Pittencreif's lands, it occurred to be argued among the Lords, what price should be put upon the teinds, seeing he had no standing right thereto, but only kindness; and it has been oft designed that