

1751. July 3.

CHRISTIAN BEGG, Relict of Mr. MUNGO LINDSAY, *against* Mr. THOMAS RIGG of Morton.

No. 7.

ENTERKINE having some lands that had been conveyed by the family of Loudoun, Lords of erection, *cum decimis inclusis*, with a particular *reddendo* for teinds, and the burden of a certain stipend, in 1700 pursued the minister for repetition of certain stipends that he had recovered from the tenants, with a declarator of immunity, and obtained decret in absence. In 1703 the minister pursued reduction of this decret, but did not follow it out, and no more stipends were paid. In 1718 Enterkine sold the lands to his brother-in-law, Mr Thomas Rigg, advocate, who also possessed without paying stipends, and none were demanded till 1740, that the minister's widow pursued Rigg for the stipends from 1703 till the minister's death in 1738. We sustained the defence of *bona fide* possession,—but the case is under review by a reclaiming petition.

* * * On the petition alluded to, appear, in Lord Elchies's hand-writing, the following words: “ Altered and repelled the defence of *bona fides*, and “ found Mr Rigg liable, unanimously except Justice Clerk.”—Various facts were brought out in this petition entirely inconsistent with the idea of *bona fides*. See DICT. No. 3. p. 1719. ED.

See NOTES.