

of all preceding years. It was answered, That the allegiance should be repelled for two causes, *1mo*, Because he was pursued for the yearly duties of the lands, the grassum thereof every five year; and he excepted no ways upon any payment of the grassum; *next*, That he was pursued as heir to his umquhile father before his decease. THE LORDS found the exception relevant for the ordinary yearly duty of the land during his own occupation; and repelled the allegiance, and found process for every five years grassum during the defender's occupation, and for the years alleged owing by his father, which they found not to be taken away by payment made of the last three years by the defender.

No 54.

*Fol. Dic. v. 2. p. 136. Haddington, MS. No 916.*

1610. February 2. MELVILL against STEWART.

No 55.

THE King's officer having acquittance of the fee or livery of two years together of any of the King's servants, will be thereby presumed to be liberated and discharged of the said fee or livery of all preceding years and terms.

*Fol. Dic. v. 2. p. 137. Haddington, MS. No 1779.*

1622. March 26. KENNEDY, DALRYMPLE against ———.

No 56.

THE LORDS found that the payment of three terms of an annualrent, confessed by oath of party, imported not liberation of all other preceding terms, unless the oath did bear, that the payment of three terms immediately subsequent one to another. See No 52. p. 11392.

*Fol. Dic. v. 2. p. 136. Haddington, MS. No 2634.*

1631. February 17. WILLIAMSON against L. BALGILLO.

Mr David Williamson, minister, charging the L. Balgillo to make payment of certain duties addebted to him by the defender, for his stipend of divers years bypast, and he suspending, That he had made payment to the charger of the duty, for the year condescended on, likeas his umquhile father had paid to him the same duty these two years which immediately preceded that year paid by the suspender, whereupon they had reported the charger's three several discharges of these three years, which payment presumes, in law, payment of all years before the three years discharged, and must produce liberation to him of all the said bygone years; the LORDS found, That this payment made of these three years, immediately succeeding each one to the other, without interruption or intervention of any years betwixt them, and to be proved by three several

No 57.

Three consecutive discharges by the same person, though granted to two persons, viz. two to the father and one to the son, found sufficient to liberate from bygoness.