

1624. *March 11.* DOUGLAS *against* The LAIRD of EAST-NISBET.

It being alleged that Douglas had taken John Stuart's escheat to his own behoof, in so far as they offered to prove that it was done by his own consent and procuring;—the Lords found that his qualifying himself to be a just creditor might very well take the rebel's escheat with his own knowledge and consent, and yet not to his behoof.

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1624. *March 16.* DAVID SIBBALD *against* The LAIRD of LETHINDIE.

MR David Sibbald, as having right, by progress, to the Laird of Clunie's life-rent, intended a reduction of a tack set by him to Lethindie. Excepted: That he behoved to have that tack specially declared. The Lords found, that the general declarator gave him sufficient right.

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1624. *March 23.* M'CULLOCH'S WIFE *against* ———.

DEFENDER Mackculloch's Wife pursuing the declarator of his bastardy, Found that she behoved first to reduce the Laird of Merton's service, who had re-toured himself heir to the defender.

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1624. *March 30.* CURRY *against* NIMMO.

It was sustained by Hope, that a bond given to be paid at the term following to any, and failyieing of him, to any of his children, did belong to the person's executors, if he died before that term, and not to the person substitute in the bond. Yet the Lords found the contrary.

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1624. *November 18.* BALLACH *against* MASSIE WEIR;
And DR KINCAID *against* ROBERT MONRO.

ONE Ballach in Leith having comprised the five pound land of Ernock, (for James Dalziell's cautionry;) between his denunciation and comprising, one compriseth the legal. Half a year after the comprising, duly led, Massie Weir compriseth the same legal; and when it came before the Lords, this last compriser was preferred, because the legal was not *in rerum natura* when that first com-