

have all his stipend of that year wherein he deceases, albeit he decease in January; and, if he decease after Michaelmas, his executors shall have the whole stipend of that year wherein he deceases, and the half of the next year. According to the which Act, the Lords are in use to decide: as was done by Mr Tho-Swintone, minister at St Coltham, and the executors of his predecessors.

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1627. *July 18.* The EARL of NIDSDALE *against* His VASSALS and TENANTS.

A TENANT, pursued for removing, alleged, That his master was not warned, who was infest by a forfeiture reduced. The Lords repelled the allegiance, by reason the forfeiture was unreduced.

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1627. *July 18.* ROBERT MENTEITH *against* The TOWN of PEARTH.

AN execution of a charge of horning, bearing a ticket to have been delivered by the messenger, containing the substance and tenour of the letters, is found null, because it bore not the delivery of an authentic copy.

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1627. *July 21.* HAMILTONE *against* M'CULLOKE.

SICKLIKE, [*Vide* Hamilton *against* Brown, 1628, January 11,] except seasine followed within a term after the comprising, or at least diligence, led on by the compriser, within that space, to obtain seasine, the denunciation or comprising hinders not another, to take disposition.

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1627. *July 24.* DRYSDALE *against* DRYSDALE.

AN heritable bond comes not under testament, but pertains to the heir.

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1627. *July 26.* ARNOT *against* HAY.

A GENERAL declarator of a man's liferent gives no action of removing in prejudice of another who had obtained himself infest in the lands, albeit the tenants made payment, voluntarily, of the mails and duties to the donatar.

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