

1650. *January 23 and 24.* WHITTINGHAME *against* HATELIE.

IN the suspension, Whittinghame against Hatelie, the reason bearing, that the charger had disposed and assigned the 1000 merks contained in the decret, was not found relevant, suppose that yearly rent disposed indefinite, not determining the time from the which the said disposition should begin; because, long before the said disposition, the charger, as executrix-creditrix, had confirmed the household gear, and meddled with the same for payment of that year. And far less did the reason, upon the foresaid meddling or intromitting, elide the second part of the charge, which was for satisfaction to her of her cautionary; since that intromission paid the other sum. So the letters were found orderly proceeded upon the decret against the tenants of Whittinghame; who alleged, also, that they had paid to a factor: but that was premature, before the time of payment, and after the decease of the constituent; *quod non jure factum, quia, mortuo mandatore, expirat mandatum.*

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1650. *January 23 and 24.* LYLLE *against* TAILYEUR.

IN the suspension, Lylle against Tailveour, suppose for a small sum, the Lords would hear the reduction depending in their own presence; because it was alleged, in the reason, That the said bond was given for redemption of a disposition made foolishly by the said Lylle's brother's son [of] his succession to the said Lylle, who was yet living, *quod est contra bonos mores*, and inhibited by all law; the which cause is contained in the bond itself.

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1650. *January 23 and 24.* CAIRNECROSS and MENTEITH *against* LIVINGSTOUNE.

IN the action for maills and duties by Cairnecross and Menteith against Livingstoun, the exception, upon the defender's infestment, was taken away by a reply founded upon a decret of reduction, *ex capite inhibitionis*, before the pursuer did comprise, and was infest: notwithstanding it was duplied, That the defender had reduction depending of that decret, *reductivè*; alleging, that the bond whereupon the inhibition had followed was satisfied.

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1650. *January 23 and 24.* The MASTER of GRAY *against* HOGGISHYAIRDE.

IN the action for payment, the Master of Gray against Hoggishyairde, the