

1665. *February 22.* FORBES of Asloun *against* The LAIRD of PHILORTH.

IN a case betwixt Forbes of Asloun and Philorth, found that a horning on a registrate bond against Asloun, who was charged on six days to pay, though dwelling beyond the water of Die, sufficient; notwithstanding of the act of Parliament: which they found only to extend to charges on letters before the Secret Council: and that in bonds for borrowed money the debtor had in effect renounced that benefit of the law by consenting to be charged on fewer days; and that *dies interpellat pro homine*.

*Act.* Advocatus. *Alt.* Mackenzie. In P. D.

*Advocates' MS. folio 53.*

1665. *Feb. 22.* PALLET and FAIRHOLME. In P. D.

IN a case betwixt Monsieur Pallet and Thomas Fairholme, who had drawn a bill on Pallet to ship a loading of wines on Ninian Williamsons's credit; The Lords found Fairholme as well obliged to pay the price of the wines as Williamsons, upon whose credit they were advanced, and under whose covert the bill drawn by Fairholme was sent to Pallet. The case I have elsewhere.

*Act.* Wedderburn.

*Alt.* Cunyghame.

*Advocates' MS. folio 53.*

THE matter of the cruives on the water of Don, betwixt the town of Aberdeen and the heritors, see it elsewhere.

*Act.* Advocatus.

*Alt.* Lockhart.

In P. D.

*Advocates' MS. folio 53.*

1665. *February 22.* SIR GEORGE KINNAIRD *against* REIDS.

SIR GEORGE KINNAIRD, as donatar to the master of Gray's recognition, pursues a declarator of the hail barony of Foulls, to the which Mr. Andro, Pat. and Robert Reids, were called, who were vassals to the Lord Gray, by service of ward and relief for the lands of the Knap, and which were disposed by the Lord Gray's predecessors to the Lairds of Moncur, 300 years ago. Amongst other debates in that case, whereof I have the note, it fell to be questioned, if the lands of Knap, sold as said is, could recognise upon deeds done by this Master of Gray, *post tantum temporis intervallum*; or if the deeds of his predecessors, could be drawn back and conjoined with the deeds done by this Master of Gray, so as to make up the cause of recognition.

It was found that the Knap, being a part of the barony of Fouls, feued out 300 years since, without the superior's consent, did recognise to the superior and his donatar, by the deeds done by this last vassal; for the deeds of all the