

*L. 19. D. de R. Juris unusquisque debet scire conditionem ejus, &c. See 6th December, 1609, Cunyghame and Home. See Balfour's Collection of Practiques, Tit. 19 of Payment, in principio, folio 34. Reo majestatis non recte solvit debitor, L. 6. C. ad L. 3. majestatis; L. 41. et seq. D. de solutionibus. See Hope, Tit. of treason, folio mihi 246; see Craig, page 86, No. 446 and 479; Connanus, libro 5. Commentariorum capite ultimo.*

*Advocates' MS. No. 122, folio 88.*

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1671. *February 2.* THOMAS WATSONE, Merchant in Edinburgh, *against* JOHNSTONES of Coreheid.

IN this cause it was debated, whether a prorogation granted to a principal debtor will be profitable to a cautioner; and if such a prorogation will infer a novation so as simply to liberate the cautioner; and if a novation of the sum contained in a former bond may be also made use of by the cautioner in the same, though it seems not to be introduced in the cautioner's favours. *See Mascardus conclus. 1113. Vide etiam, Schotanum de constitut. Principum, page 28, de Rescriptis moratoriis made in favours of the principal, but not of the cautioner. Vide Notas D. van Tien super eo loco ibique Freundergerbium.*

*Advocates' MS. No. 123, folio 89.*

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1671. *February 1.* LORD DUMFERMLING *against* the VASSALS of that Lordship.

HE having given in a bill to the Exchequer, desiring they might not enter any of the vassals of that Lordship, but that they might all pass by him, as having a three nineteen years tack of the whole casualties, obventions, and feu farms thereof; at least that they would enter none till they produced a certificate, under his hand, that he was satisfied anent their composition.

It was ALLEGED for the vassals, That the Earl's right was null, because of the law long tacks, such as this was, are equivalent to an alienation; and all alienations of the King's annexed property, and proper patrimony of the crown, are discharged by many acts of Parliament; but *ita est* the lordship and abbacy of Dumfermling is of the property annexed to the crown, though not by the general act 1587, yet by a posterior act in 1593 it is specially annexed, and it must also be supposed to be comprehended in the act of annexation 1633. *2do*, The tack being granted in 1641, and his Majesty considering that many things had escaped both his own and his royal father's hands, during the time of these confusions, he has, in 1661, revoked all deeds done by him then: and though by a particular act in 1661 this tack be excepted from his Majesty's revocation, yet it must fall under the same, because, *1mo*, The act *salvo*, according to its explication in 1633, reserves all parties interests as they were before the making of these