

this gift, and not only those lying within the bounds of that regality but wheresoever they lay; and particularly the liferent of houses within Edinburgh belonging to his lady, John Bonnar's relict, and now appertaining to Raploch *jure mariti*.

The Lords found *quod bona mobilia sequuntur personam*, and that not only his moveables then lying within the regality fell under the escheat and gift by the Lord of the Regality, but also all his moveables throughout the whole kingdom, and even his *jus mariti*. Which was judged an interlocutor very prejudicial to his Majesty's interest, and extending the Lords of Regality their rights to single escheats too far, seeing there should be no more in a Lord of Regality's power to dispose of but what lies within his own regality; and no person ought to grant gifts of escheats to extend farther than the bounds of their own jurisdiction. Yet Hope, *Min. Pr. tit. 8*, affirms they have right to single escheats. *Vol. I. Page 104.*

1680. *June 26.*

EDMISTON *against* EDMISTON.

In a case Edmiston of Dunraith against Mr John Edmiston, the Lords reduced a 7000 merks bond, as never being a delivered evident, but consigned on condition; and ordained them to count *ab ovo* without respect to the bond.

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1680. *June 26.* LORD MONTGOMERY *against* The LAIRD of BLAIR.

LORD Montgomery, as superior, craved a year's rent of the adjudger. It was ALLEGED, The adjudication was before the 18th Act of Parliament 1669, ordaining adjudgers to pay a year's rent; and therefore it must be presumed not to be due before, seeing laws are only made to regulate future cases; and it was found *casus de industria omissus* in the Act of Parliament 1621, as Balmanno observes, *voce* Adjudications.

The Lords found a year's rent not due by adjudgers before the Act 1669.

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1679 and 1680. MARGARET JOHNSTON, Lady Bogie, *against* The CREDITORS of Sir JOHN WEYMES of BOGIE.

1679. *January 17.*—SIR John Weymes of Bogie having deceased in the tolbooth of Edinburgh; upon a bill given in by Margaret Johnston, (Warriston's daughter,) his lady, the Lords ordained the factors for the creditors to pay out of his estate 500 merks for his funerals; as also, to pay Patrick Vanse's dues as keeper, the time he was in prison. *Vide infra, 25th Feb. 1679.*

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