

## TERM LEGAL AND CONVENTIONAL.

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1586. *January 22.*

GAVINE, Abbot of Kilwynning, *against* FRIER JOHNSTOUN.

THE fruitis of the samin benefice beand separate fra the ground, be scheiring, stouking, or stakking thairof, the samin, after his deceis, (the ecclesiastic), aucht and sould pertene to the executouris.

No. 1.

*Balfour, (EXECUTOR) p. 220.*

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1609. *February 21.* TENANTS OF MERCHIESTON *against* NAPIER.

In an action of double-poinding, pursued at the instance of the tenants of Merchieston against John Napier of Merchieston, on the one part, and his brothers and sisters, executors to umquhile Sir Andrew Napier of Edinkellie, knight, his father, anent the farms of the said lands of the crop 1608, acclaimed hailly by the Laird, and by the executors for a half, because his father deceased upon Whitsunday, about eleven hours; the matter being reasoned at great length, it was found, That the half of the said farms pertained to the said executors, because the Laird, their father, was living upon Whitsunday, while 11 hours of the same; and it is lawful to the tenants to have made payment of their Whitsunday mail that day in the morning. This was first decided this day.

No. 2.

*Kerse MS. (DE SUCCESSIONIBUS) fol. 130.*

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1621. *December 14.* M'MATH *against* NISBET.

William M'Math, burgess of Edinburgh, having comprised umquhile James Nisbet's life-rent of his lands in Restalrig, pursued his wife and others for the

No. 3.