

1614. *December 16.*

No 9.

DUKE of LENOX *against* The INHABITANTS of ST ANDREWS.

IN an action of reduction and improbation pursued by the Duke of Lenox against the Inhabitants of St Andrews, the Lords found that the Lo. Duke could not call a reduction for not payment of the duty of the years wherein he was not infest, but forced him to say, that my Lord had right before to the years preceding his erection,

1615. *December 13.*—IN an action of reduction of the infestment of feu-farm made by the Tenants of St Andrews, pursued by my Lord Duke, the Lords found, that albeit my Lord was infest in *anno* 1613 allenary, yet he might pursue for the failzie of the payment of mails of 1612, because his charter and act of Parliament of erection preceded. *Item*, There was a contrary practice alleged betwixt Strachan and Nairn, but that was upon a comprising and both the comprising and sasine were after the hail years of failzie. *Item*, In the same cause, the Lords sustained an offer made to one Walter Todrig as factor for Robert Douglas pensioner, of the feu-mails, the defenders proving that he was once factor by writ, suppose he was not factor for the years of the offer. *Item*, In this same cause, the Lords found, that an offer made before the term of payment was not sufficient, and therefore, seeing that term, viz. Martinmas 1612, and also Whitsunday 1613, ran before the new offer, the Lords reduced the new offer.

*Fol. Dic. v. 1. p. 483. Kerse, MS. fol. 109.*

No 10.

1620. *December 22.* LA. KILBIRNIE *against* CRAWFURD of Carseburn.

FOUND that a feu infestment cannot be declared null upon the act 250 Parliament 1597, for not payment of the feu-duty by the liferenter who was infest, holden of the superior.

*Fol. Dic. v. 1. p. 486. Kerse, MS. fol. 109.*

No 11.

1623. *November 25.* E. MELROSS *against* L. BASS.

A FEU was reduced at the instance of the Earl of Melross against the L. of Bass, for not payment of the feu-duty by the space of two years, albeit the feu-charter contained no irritant clause, but the reason only founded upon the act 250 Parliament 1597; which reason was sustained, and sentence given thereupon, but no party compearing in the cause.

Clerk, *Scot.*

*Fol. Dic. v. 1. p. 483. Durie, p. 83.*