

1627. *November 30.* TENANTS of EASTHOUSES *against* HEPBURN.

No. 6.

A man having died infest in an annual-rent, his relict, a tercer, was found to have right to the third part of the term's interest that fell due immediately after his decease, though most of the term was run before. Here the question was with the heir, not with the executor of the defunct.

Durie.

* * * This case is No. 10. p. 15838. *voce* TERCE.

1628. *March 21.* MURRAY *against* INTROMITTERS with TEINDS.

No. 7.

Found, That a prelate having right to teind-sheaves, if he live till the corns be shorn, although he die before Martinmas thereafter, and even before leading of the corns, yet the whole teind-sheaves will pertain to him and his executors, and not divide as in farms and other duties, where the party deceasing before Martinmas leaves only to his executors the half of the year's duty; but this was found not to hold in teind-sheaves, where the party having right may lawfully lead immediately after shearing; so that here neither Martinmas, Whitsunday, nor the time of leading, but the time when the person hath in law, right to lead, is considered.

Durie.

* * * This case is No. 6. p. 1780. *voce* BONA FIDE PAYMENT.

1629. *January 21.* L.A. AITON *against* HUME.

No. 8.

Commencement
of jointure.

The wife of a husband being infest in her conjunct-fee lands, the husband dying after the Whitsunday, and before the Martinmas, the lands wherein she was infest being sold by the husband, after the infestment, and she pursuing the buyer for the half year's duty of the lands, as well for the half of the duty paid for the grass, as for the duty paid otherwise for the lands, the same being let by him who had bought the same from her husband for a silver duty, to be paid for the hay and grass at Whitsunday, and for a victual-duty to be paid of that same crop, at the ordinary terms of paying victual, and the said silver-duty being paid to the heritor at the Whitsunday before her husband's decease, before which time the hay was mown, it was nevertheless found, That albeit he was only singular suc-