

1628. *March 18.* NASMITH'S BAIRNS *against* JOHN NASMITH, their TUTOR.

TUTORS that intromit with sums contained in heritable bonds made to the defunct, are subject to make the count of the principal sums and annualrent not only during the tutory, but also aye and while they make payment of the principal sums to the minors and their curators; or, at least, make offer thereof.

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1628. *March 18.* JAMES PRIMROSE *against* The HEIRS of MR JOHN ARCHIBALD.

DEPOSITUM is not reckoned *in bonis defuncti*.

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1628. *March 19.* ————— *against* —————.

THE Lords granted a warrant, upon supplication by bill, to summon a rebel (against whom caption was raised and produced with the bill,) at his dwelling-house, market-cross, and parish kirk, because he was *difficilis inventionis*, to be gotten personally. This was granted *periculo petentis*.

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1628. *March 19.* MR JAMES RATH, Donatar to Andrew Meldrum's Liferent, *against* GORDOUN of BUCKIE.

A DONATAR to a rebel's liferent is preferred to him whom the rebel infeft in his lands, after the rebellion, and before the year and day was expired, because it was offered to be proven, by the donatar, that the rebel remained in possession of the lands, by uplifting of the mails and duties, after the expiry of the year and day.

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1628. *March 20.* ————— *against* The TENANTS of BOTHWELL.

INHIBITION being once served upon teinds, puts the tenants and intromitters