

1628. *March 28.* _____ *against* _____.

IF a spuilvie of vicarage be referred to the defender's oath of verity, if the defender declares not clearly, that part which is not proven by his oath, is decerned, conform to the libel.

Page 145.

1628. *March 28.* ANDREW FLETCHER *against* The BISHOP of St ANDREW'S.

ANDREW Fletcher, donatar to the escheat of Mr James Irving, Minister at Aberlatt, seeks a declarator on his gift. The Bishop of St Andrew's compares for his interest, and alleges, The said Mr James's escheat pertains to him, as lord of the regality of St Andrew's, within the which the land lies where the said Mr James dwelt. To the which it was answered by the donatar, That the said Mr James dwelt upon the manse of Aberlatt, which could not be sustained to hold of any subject but the king.

Page 124.

1628. *March 29.* The RELICT of ANDREW GRAY of DOMADE *against* The VISCOUNT of DUPLINE, Chancellor.

ANDREW Gray of Domade his relict having her husband obliged, by contract of marriage, to lay out 4000 merks upon annualrent to her in liferent, and to the heirs to be gotten betwixt them in fee, charges the heir to enter heir. He refuses, and is denounced to the horn therefore. The relict raises summons against the Viscount of Dupline, chancellor, who, by an heritable bond, was bound and obliged to pay to Domade and his heirs the sum of 300 merks; to hear and see him decerned to infest her in the annualrent of the said sum; at the least, to pay to her the annualrent during her lifetime; at the least, so long as his Lordship kept the principal sum in his hand. The Lords sustained the summons for the last part.

Page 261.

1628. *June 18.* THOMAS ADAM'S CURATORS *against* The LAIRD of AIKINE.

THE Laird of Aikine being addebted to Thomas Adam, minor, 600 merks, moves the boy, without consent of his curators, to go to the wars, and make his testament, and leave the sum to him. In absence of the minor, the curators charge for the sum. The Laird of Aikine consigns, and alleges the boy to be dead, and so he has good cause of retention; and offers caution, if the boy be on life, to make payment. The curators allege that the boy is on life; and offer caution, in case the boy be dead, to make the sum forthcoming to all parties having interest. The Lords ordained the consigned money to be delivered to the curators, upon caution.

Page 28.