

1629. December 17. L. of LAMINGTON *against* BAILLIE.

A decret being given by the Laird of Lamington in his baron-court, against one of his tenants, for a blood-wit, wherein he was convicted and decerned in L. 50 of unlaw ; which being suspended, and the unlaw desired to be modified, *alleging*, that a baron could not, in his baron-court, decern so great an unlaw ; the LORDS found, that they could not modify that unlaw, being decerned for blood, which was tried, and wherein he was convicted, and which was not an unlaw of contumacy for absence ; and found, that by consuetude, barons might decern such unlaws for blood committed.

Act. *Cunningham.*

Alt. ———.

Clerk, *Gibson.*

*Fol. Dic. v. 1. p. 501. Durie, p. 475.*

1631. July 22.

DOUGLAS *against* KELLY.

SIR ROBERT DOUGLAS being infest in the lands of Spot by the King's Majesty, with the heritable office of chamberlain and bailiary of the lands and Lordship of Dunbar, and having convened Mr William Kelly, possessor and heritor of the lands of East-barns, and others within the Lordship, to answer to his court ; the said Mr William intents action and declarator for exemption, that he ought to be free of compearance, and acknowledging of these courts, in respect that he is infested *cum curiis* in his lands, and his author Sir John Ramsay, who was thereafter Earl of Hulderness, long before this right of bailiary granted to Sir Robert Douglas ; which infestment was granted for great and seen causes, and worthy services done by the said Sir John to the King's Majesty, so found by the estates of Parliament, and upon dissolution of these lands from the rest of the Lordship of Dunbar ; which infestment being so granted *cum tenentibus, tenandriis, curiis, et eorum exitibus*, and for payment of a red-rose blench holding only, must exeem the said heritors of the said lands, succeeding in the said Sir John's right, and acquired by the said Mr William Kelly, by consent of the King and Council, from all servitude, and compearance in any courts of any bailiary, constituted since his said author's rights ; and the said right of bailiary ought only to extend to such lands of the said Lordship as pay yearly rent to the King, and to such persons as pay feu-farm, and their tenants, and not to his lands, which are given in blench holding, with freedom from all service, and for so worthy causes ; likeas, he being convened before by Sir Archibald Douglas, as bailie of the said Lordship, who is author to the said Sir Robert, he raised a summons of exemption, upon this same reason, which was found relevant by the LORDS, and proved, and he was exempted in all time coming, from his, or any such courts, which decret

No 209.

Found in conformity with Baillie against Torphichen, No 204. p. 7490.

No 210.

A bailie of regality can not unlaw for more than L. 10 for absence from the head court of his regality.