

lands of Craiggunnoch, extending yearly to 400 merks, by the space of ten years. He alleges, that he ought to have allowed to him, by other payments made by him, thirty shillings yearly, paid by him to the chamberlain of Dumfermling, which his predecessors, occupiers of the roun, were in use to pay; conform to which use, he had made payment the years of his occupation. It was replied, That the allegiance was not relevant, unless he would allege that he was compelled to make payment thereof, by a sentence or by command of his master; for it were a dangerous preparative, if a tenant, without consent or command of his master, should bring a servitude upon his master's land, by putting the kirk in possession, which might thereby establish a right to the kirk, and prejudge the heritor. The Lords found, that the payment made by the defender should be allowed to him; but declared, that this allowance of payment should noways be obtruded to the Lord Lorn when he should contest with the chamberlain of Dumfermling hereafter upon the right of this annualrent.

*2d MS. Page 190.*

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1636. *January 16.* The RELICT of SCOTT *against* SCOTT.

IN an improbation of a horning, the messenger and one of the witnesses approves. The other witness depones, That he remembers not that he was taken witness to this particular denunciation, but remembers that he heard the messenger denounce some man at the cross of Lochmaben, but remembers not the person's name that was denounced. The Lords absolved from improbation.

*2d MS. Page 91.*