

tor,—in respect that the said Robert took up his charge, and did not insist, the Lords proceeded to suspend the letters *simpliciter*; the said laird, suspender, verifying his reason upon the decret of accounts, wherein much more was remitted to him, and 2000 merks of that which was due, gifted to him and forgiven; which far exceeded his two bee-skapes and a midden, whereupon this decret was obtained before the bailies of Musselburgh.

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1650. *January 9.* The LAIRD of RENTONE *against* MR THOMAS WOULFE.

IN the suspension pursued by the Laird of Rentone against Mr Thomas Woulfe, assignee constituted by Mr George Reull, to one thousand merks, aughting by the said Laird to the said umquhile Mr George; the reason was, Compensation; that the said Laird had assignation from his brother George, who was assignee constituted by Janet Crabb, relict of umquhile John Rentoune of Lamertoune, by whose contract of marriage the said John is debtor to the said Janet in £1000, to be paid after his decease, failyieing of children, and likewise in 300 merks by year; and true it is that the umquhile Mr George was executor to the said umquhile John Rentoune, debtor; likeas his cedent, Mr George, having charged the said Laird of Rentone, suspender, he had suspended him also in his lifetime; and also that Mr George was debtor to the said Janet in the half or third of the moveables *jure relictæ*, and he is ready to compensate for any of these sums foresaid. But the Lords found no compensation: because all compensation is *de liquido in liquidum*; and, suppose sums may seem to be liquid, yet the Laird of Rentone did never constitute the said Mr George his debtor, no not so much as by intention of any process against him, as executor, which is but *nudum officium*, and may have many exceptions to oppone to the pursuit.

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1650. *January 9.* WILLIAM MOODIE *against* HAMILTONE and MAKENES.

IN the reduction of William Moodie against Hamiltone and Makenes,—the Lords found the decret,—having three conclusions, for the maills, for removing, and for declarator of the property, in respect a prior comprising was fully satisfied within the seven years,—to have been, by all kind of order, not only libelled by the writer, but also contrary to form of process given out by the clerk; and writer and clerk reprobable as ignorants, not taking heed to the style of the court; suppose there was no compearance; and so reduced the said decret.

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1650. *January 9.* ALLAN CARTHART of WEDDERHEAD *against* —.

IN the action of special declarator for nonentry of lands holden of the king