

or prince, at the instance of Allan Carthcart of Wedderhead;—it was excepted against the general declarator, That all parties having interest were not called, *viz.* the Laird of Ardmillane, who was *in tenemento* from the Laird of Carintoun. To the which it was replied, That the King's donatar needed not to call any except him, who represented the King's immediate tenant, who was the Laird of Carintoun; and he is called *per expressum*; and it is enough that the rest have been called generally at the market-cross, with all having interest. Which the Lords sustained. And, as to the rest, that the donatar could only have some subsequent [terms] to the gift, it was replied, That it was *jus tertii*, and that his Majesty's advocate would concur, whose interest it was.

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1650. *January 10.* KINNAIRDE OF COWBINE *against* DUMBAR OF GRANGEHILL.

IN the suspension raised by Kinnairde of Cowbine against a decret of 500 merks obtained by Dumbar of Grangehill, before the commissary of Murray, confessed in umquhile Isobell Falconer his mother's testament testamentar;—the Lords did sustain the reason, which was, that the charger could not have that decret by virtue of the testament, which he had reduced himself before the commissaries of Edinburgh, although the suspender had confirmed the same without protestation. But they ordained Cowbine's oath to be taken upon that sum, if he was owing it to his mother.

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1650. *January 10.* JOHN LINDSAY *against* JOHN PEARSONE and OTHERS.

IN the suspension by John Lindsay against John Pearstone and others,—the Lords found the letters orderly proceeded, notwithstanding minority alleged even by way of reduction; because they offered them to prove, that the suspender was married, and vented wine in his house, and sold a part thereof to his good-mother: neither, being a merchant, could he obtrude minority; as was decerned against Agnes Short, cramer, married thereafter to John Cuthbertsone, gardener to my Lord Angus.

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1650. *January 10.* HENDERSONE *against* PATRICK SPENCE.

IN the suspension at Hendersone's instance against Patrick Spence, charging for four years' tack-duty of a tenement of land,—the reason is, that the letters must be suspended for the half; because, by the said Patrick his contract of marriage with umquhile Elizabeth Hendersone, it is agreed that the half of their moveable goods shall pertain to either of them their heirs and executors; which contract is produced. As also, the said umquhile Elizabeth hath nominated the suspender her executor, who likewise hath urged the charger, before the commis-