

STATUTE.

1661. December 6. JEAN DALMAHOY *against* HAMILTON of Binnie.

JEAN DALMAHOY charges Alexander Hamilton of Binnie for a tack-duty of 2000 merks, due to her for her life-rent lands. He suspends, on this reason, That he has taken the benefit of the late act of Parliament between debtor and creditor; and this sum being above 2000 merks, stands thereby suspended for six years. The charger answers, *Non relevat*, because the act extends not to rents or tack-duties of lands, albeit exceeding £.1000; but only to borrowed sums, and other money bearing annual-rent, which, in recompence of that forbearance, are accumulated with the principal sums.

The Lords found the act not to extend to rents or tack-duties, and therefore repelled the reason.

Stair, v. 1. p. 65.

1662. July 29. ALEXANDER HAMILTON *against* THOMAS HARPER.

Alexander Hamilton pursues a removing against Thomas Harper, who alleged, Absolvitor, because the pursuer invaded and beat the defender, in the Session-house, during the dependence of this cause; and therefore, by the act of Parliament 1584, Cap. 219. renewed 1592, Cap. 173. the pursuer *cadit causu*, and the defender must be assolzied.

The Lords having considered the said acts of Parliament, and finding thereby that the invasion must be cognosced in a criminal process, competent to the Justices, and must be found summarily by an inquest;

The question was, whether beating, without effusion of blood, was such a criminal fact? because it seems to be but a riot; and next, whether the Lords would take probation of it themselves, or if it behoved to be recognosced by the Justices?

The Lords found the defence relevant, for the act of Parliament anent violence in the King's presence, or in the Session-house, when the Session is sitting, make such deeds to incur death; and therefore, whether they would assign a term-

No. 1.
Act 1661,
Cap. 62.

No. 2.
Acts 1584,
Cap. 219.
and 1592,
Cap. 173.