

1642. February 16. LADY BRUNTON *against* ———.

The Lady Brunton, relict of the sometime Bishop of Glasgow, her executors, pursuing for the duties of some lands, wherein she was infeft in life-rent by her umquhile husband, of the term of Martinmas, *in anno* years, she living to Martinmas day that year, and not dying till the afternoon that day about three or four hours; and the heir of her husband, who was heritor of that land, alleging, that that term could not pertain to the life-renter, or to her executors, because she dying on Martinmas day, the same term behoved to pertain to the heritor of the land, and not to her; the Lords found, that this term was due to the life-renter and her executors, and not to the heritor, seeing the life-renter lived to the Martinmas day, and died on Martinmas day at afternoon, as said is, which they admitted to the pursuer's probation; so that hereby the life-renter living to the entry of the term, she was found to have right to that term, begun to run before her decease, as said is, she having lived to the afternoon of that same day, whereon the term fell.

Act. *Stuart.*

Alt. *Nicolson & Mowat.*

Clerk, *Gibson.*

Durie, p. 894.

No. 16.
*Dies inceptus
pro completo
habetur.*

1662. July 24.

MR. PATRICK WEYMS *against* MR. JAMES CUNNINGHAME.

Mr. Patrick Weyms having an order of Parliament for a term's vacant stipend of the parish of Laswade, Mr. James Cunninghame alleged that term's stipend was not vacant, but belonged to him as incumbent, viz. Whitsunday 1659, because he was admitted before Michaelmas 1659, and shortly after Whitsunday; and so the legal terms of stipends not being divisible at two terms, but at Michaelmas jointly; he being incumbent before Michaelmas, hath the whole year.

The Lords repelled this allegiance, but preferred Weyms, and found that Ministers had right to their stipend termly, and if he entered before Whitsunday, he had right to the whole year, and if after Whitsunday, and before Michaelmas, but to the half.

Stair, v. 1. p. 135.

No. 17.

1663. July 9.

MR. THOMAS KIRKCALDY *against* MR. ROBERT BALCANQUHIL and HERITORS of TRANENT.

The heritors of Tranent raised a double pointing against Mr. Robert Balcanquhil, on the one part, and Mr. Thomas Kirkcaldy on the other part, both claim-

No. 18.
Stipend of a
Minister re-