

No 8. THE LORDS repelled the reason, and adhered to the stent roll, but prejudice to the suspender to seek his relief of any party he pleaseth, as accords.

Stair, v. 1. p. 508.

1668. *January 22.* Lady WAMPHRAY (DOUGLAS) *against* Laird of WAMPHRAY.

No 9.

A WIFE being infest in certain lands for an annuity of 2000 merks yearly ; which sum the husband obliged himself to pay, infest or not infest, and to warrant the lands to be worth 2000 merks yearly, the annual rent was found liable for the public burdens.

Fol. Dic. v. 2. p. 290. Stair. Dirleton.

* * * This case is No 284. p. 6073. *voce* HUSBAND and WIFE.

1668. *February 8.* Sir JOHN WEMYSS *against* The LAIRD of TOUCHON.

No 10.

In what cases
appriser liable
for public
burdens.

SIR JOHN WEMYSS having a commission from the Parliament to lift the maintenance when he was General Commissary, charges the Laird of Touchon for his lands, who suspended on this reason, That, by that act and commission, singular successors are excepted. The pursuer *answered*, That the act excepteth singular successors who bought the lands, but the suspender is apparent heir, and bought in apprisings for small sums ; and as wadsetters are not freed as singular successors nor apprisers within the legal, so neither can the suspender ; for albeit the legal as to the appriser be expired, yet the act of Parliament between debtor and creditor makes all apprisings bought in by apparent heirs redeemable from them, on payment of the sums they bought them in for, within ten years after they bought them ; and, therefore, as to Touchon, who is apparent heir, he is in the same case with an appriser within the legal.

Which the LORDS found relevant, and decerned against Touchon.

1669. *January 2.*—SIR JOHN WEMYSS having charged Touchon for maintenance, due *in anno* 1648 or 1650, conform to act of Parliament, and commission granted to him, and decret of the Lords ; Touchon suspends on this reason, That singular successors are free by the act, and he is a singular successor by apprising. It was *answered*, That the exception of the act was only in favour of singular successors who had bought the lands, which cannot be extended to apprisers, who oft-times have the lands for far less than the true price.

THE LORDS found the act not to extend to apprisers, unless the sums were a competent price for the land apprised ; and, therefore, found the letters orderly proceeded.

Stair, v. 1. p. 522. & 577.