

consent : as I have seen some of them do, and particularly the feu of the west mill of Kirkaldie. *Vol. I. Page 4.*

ANENT WARRANDICE INFETMENTS ON WARD-LANDS.

A warrandice infetment on ward-lands, in valuation of a marriage, in other lands, is estimated as a burden affecting them, only conform to the value and quantity of the distress or eviction, and no further ; or when it has not as yet existed, according to the probable appearance of hazard, it may be valued at two or three years' purchase. *Vol. I. Page 4.*

ANENT ASSIGNATIONS by EXECUTORS.

An executor, before he obtains sentence against the defunct's debtors, or else get the security renewed in his own name, cannot assign debts ; yet if he assign, and the assignee pursuing, that be objected to him, I think the executor's concurrence with the assignee, offered by way of reply, will be sufficient to sustain process at the assignee's instance, albeit the executor's name be not contained in the summons, nor the defender cited at his instance.

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ANENT the FREEDOM of UNIVERSITIES from EXCISE.

THE University of St Andrew's claim to be free from paying excise for all drink furnished to the scholars, and that upon the general privilege competent to all universities, by custom. I remember we enjoyed that privilege at Leyden, after our immatriculation ; yet the — Act 1661, imposing the annuity and excise, ordains all brewers to pay it, without excepting what shall be used by students in universities. *Vol. I. Page 4.*

1678. June 19. AGNES WILKIE *against* MORRISON ; and

1678. June 20. SIR ANDREW DICK *against* —————.

WHERE arrestments upon dependencies were loosed, upon finding insufficient caution, if a bill had been given in by the party wronged, showing the irresponsibility of the caution found, the Lords were wont always, in six or seven several cases, since the King's restoration occurring, to annul the letters loosing the arrestment, aye till more sufficient caution were found. Yet, on the 19th of June 1678, between Agnes Wilkie and Morrison, and on the 20th of June 1678, in a case of Sir Andrew Dick's, the Lords declined to meddle, pretending they would not annul the King's signet letters ; but the party grieved had his action *in subsidium* against the clerk to the bills, if the caution was insufficient. And the President affirmed all the other instances were wrong decided : yet they seem very favourable, if not just. *Vol. I. Page 5.*