Some ALLEGED these knocks were required in citations, but not in arrestments. It was ANSWERED,—They offered to prove a copy was left with his wife. Which (though the execution bore not,) the Lords sustained it as sufficient to maintain the arrestment, though it wanted the six knocks; since a citation given to one's wife is almost personal, and will very readily come to his knowledge. *Vol. I. Page* 71.

1679. *December* 19. ANENT the DESIGNATION of GLEBES.

I HEAR that the Lords found, that the relief which is due to an heritor, of whom the designation of a minister's glebe is taken, was only a personal obligement on the present heritors of that parish and their heirs, but would not affect and reach their singular successors in these lands. So that it is their interest immediately to pursue their action of relief, seeing this relief is not *debitum fundi*; for nothing is to be interpreted *debitum fundi* but what either an express law or uncontroverted practice hath made such. And it were against the freedom of commerce to make too many *debita fundi* for reaching singular successors, who can be certiorated thereof by searching no register for designation of glebes or the like. *Vol. I. Page* 71.

1679. *December* 19.

IT was queried if a decreet of transferring must be extracted before you be obliged to debate in the process transferred; or if the minute and signature, bearing that there is a decreet pronounced, be sufficient, and will be warrant enough for proceeding in the principal cause. *In rigore juris* it should have been extracted: however, it was *casus judicis arbitrarius*, until the Lords of Session about this time, by their Act, ordained all decreets of transferring to be extracted, before they can proceed in the old cause; for the President's son, Mr James, is now a clerk, to whose advantage it is calculated.
Vol. I. Page 72.

1680. *January* 2. ANENT SUMMONSES and PROCESSES.

I.—IT was ALLEGED against a summons,—No process; because the second citation is given before the day of compearance in the first citation is elapsed: and thereupon he takes instruments: the pursuer takes up his second execution and mends the date of it, and offers to abide by it.

REPLIED,—That he might have amended it before calling, but he cannot be suffered to do it now after that it is quarrelled; but he ought to cite of new again for the second diet.

II.—A process is returned by an advocate, and two or three are marked *a partibus;* but all the time it is never seen by any advocate, and then it is of new enrolled. At the calling it is ALLEGED,—That it must be seen *in communi forma* before they can be obliged to debate, they not having seen it now these several years; and, if year and day expire, there are Acts of Sederunt appointing it should be given out again to be seen by the contrary party's advocate; and it is relevant to offer to prove, by the clerk's oath, that the *partibus* was not yearly marked, but only lately. See Act of *Regulat.*

III.—In summons against sundry defenders, the Lords have discharged to insert two sundry days of compearance, though never so many were called; and ordain the summons to contain only one day of compearance for all.
Vol. I. Page 72.

1680. *January* 2. Rev. Mr Abercrombie *against* The Earl of Cassils.

Mr Abercrombie, minister at Maybole, is imprisoned by the Lords, because he offered to take the Earl of Cassils with caption, for two years' stipend he was owing him, after he had presented a bill of suspension, and there was a verbal stop of execution. The bishops somewhat resenting this usage, he being a conformist minister, they got him set at liberty the next day. *Vol. I. Page 72.*

1680. *January* 6. James M'Bride *against* Andrew Bryson.

The point betwixt James M'Bride and Andrew Bryson being reported, the Lords found the declaration under Mr Andrew Bryson's hand a writ valid and probative, and a sufficient exercise of the faculty he had reserved to himself, in his disposition to the said Andrew, of altering and annulling it; and that the said revocation needed no delivery, being in favours of his nearest heirs of line, his sisters, who were *alioqui successuræ*. Only, in respect it wanted writer's name and witnesses, they assigned to the pursuer a day to prove it to be holograph. *Vide 6th January* 1681, *Hepburn.* *Vol. I. Page 72.*

1680. *January* 6. The King *against* The Laird of Luss.

The case of the Laird of Luss his ward and marriage pursued against him at the King's instance, was debated in presence of the Duke of Albany and York. Colquhoun of Luss hath lands holden ward of the King, as also other lands holden ward of the Prince: he taxes the ward and marriage of the lands holden of the King, but not those holden of the Prince. He is now pursued (beside the taxed duties,) likewise to pay L.20,000 Scots, as the avail of his marriage, for the lands holden of the Prince. He oppones his composition and change of holding, upon the faith of Act 58, Parliament 1661.

Replied,—That would defend him if there were a Prince extant; but, failing of him, the lands belong to the King, and so, not being taxed, the Prince is not in the case of a subject here, and therefore the marriage is due.

It seems hard, that the event of the King's not having lawful children should be calamitous, misfortunate, and prejudicial to his subjects.

The Lords having advised the debate on the 9th of January 1680, they repelled the haill defences, and found that the King had right to the avail of the marriage, both the King and Prince being here in one person. So that the King's