

1680. *February 13.* ———— *against* The MASTER of SALTON.

THE Master of Salton being pursued by his servant, the Lords would not modify any fee to him, unless he will offer to prove the paction to serve for a fee; since he might undertake to serve only for his meat. Yet it may justly be presumed he served for a fee; *nam non præsumitur quis operas suas temere jactare velle.*  
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1680. *February 13.* EDWARD GILLESPIE *against* HOME of ECCLES.

IN Edward Gillespie's case against Home of Eccles; where one pursues for maills and duties, and, *pendente lite*, accepts of his bygone annualrents, he cannot insist and crave a decret against the tenants in time coming, unless there be at least a term's annualrent owing; for it is not known if that tenant shall remain there as tenant, when the same shall become due, yea or not.

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#### ANENT ADJUDICATIONS.

ADJUDICATIONS on the Act of Parliament 1672, are summarily called and decerned without enrolling; but adjudications upon renunciations to be heir, and special adjudications *ad factum præstandum*, as to fulfil a disposition, must be enrolled *in communi forma*; unless the pursuer instruct that he is running for diligence, and that there are adjudications past against that same person before him. See *December 1675*, [page 54, *Nasmith.*]  
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1680. *February 13.* ALEXANDER LESSILS *against* JAMES RANKIN.

BETWIXT Alexander Lessils, master, and James Rankin, apprentice; the Lords found, that the Dean of Guild of Edinburgh, upon a reference and submission made to him, could not appoint the indentures to be torn; and that it was not a sufficient ground for a master to thrust his apprentice out of his service, that he, after many admonitions, still lay long in his bed, and refused to carry his master's bible to the church, or was once drunk; but only allowed him moderately to chastise him for these or the like faults: but found it a relevant cause to put him from his service, that he offered to prove the boy was hypochondriac, and sometimes furious, and thereby incapable and unserviceable. See *21st February 1671.*  
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1680. *February 19.* ———— *against* MACKLELLAN.

IN an action against Macklellan, beadle of the chapel-royal, the Lords made