

that man ; but, *nota*, they call him Gordon. See the contrary decided in Dury, 16th December 1629, *Home*.  
*Vol. I. Page 182.*

---

1682. July 5. The TOWN of PAISLEY *against* The SHERIFF of RENFREW.

PITMEDDEN, being this week on the Bills, reported the case of an advocacy given in by the Town of Paisley against the Sheriff of Renfrew, craving a general advocacy of all actions that should be pursued against any of their inhabitants before the Sheriff's Court ; because they were expressly exemed by their charter in 1448, given them by King James IV. with all the privileges of the burghs and abbacies of Dumfermline, Newburgh, and Arbroath ; and they had a declarator of their exemption depending before the Lords.

The Lords refused a general advocacy, as unusual ; but, when they should be pursued, ordained them to give in special advocations of each particular action, and the Lords would consider them.

Yet I see a general relaxation against all hornings *quoad* the effect of a service, granted to the Earl of Crawford, in Dury, 19th June 1630.

*Vol. I. Page 187.*

---

1682. November 7. ELIZABETH and — BARCLAY and PHIN, their MOTHER, *against* PHIN and DUNCAN.

IN a declarator of the commission of a back-tack in a wadset, for not paying the back-tack duty, by the space of three or four terms run together ; it was ALLEGED, The back-tack not being conceived under an irritancy in case of not payment, by suffering two terms to run in the third unpaid, the failyie could not be declared.

The Lords, upon Forret's report, found such back-tacks had, in their own nature, a legal irritancy, though there was none in the contract and paction ; and therefore declared it was incurred ; and admitted the creditor to the natural possession of the wadset-lands, unless the debtor would purge the failyie by payment of the bygones before extract, and would find caution to pay it in time coming.

Though some cried out on this as extraordinary, yet the same was decided before ; whereof Stair, *tit. Tacks*, p. 338, gives instances.

*Vol. I. Page 192.*

---

1682. November 7. DOCTOR HARY BLYTH *against* LAWSON.

MR Hary Blyth, Doctor of Medicine, pursues a reduction of a comprising led by one Lawson, upon this ground, That the lands of Soultry, which are ap-