

this last year, in regard there were pregnant presumptions of her husband's death abroad, though she could not clearly prove it; in which case she would have access to her jointure.

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1693. *January 25; and Feb. 4 and 28.* The EARL of HADDINGTON and his TUTORS *against* THOMAS CAMPBELL, Deacon of the Fleshers in Edinburgh.

[See the first part of this Case, *supra*, page 55.]

*February 24.*—The Earl of Haddington and his Curators, against Thomas Campbell, about his removing from the park of Holyroodhouse.—The Lords thought his oath did not prove any overgiving, nor yet any homologation of the placard and new tack set to Alexander Ramsay; and, therefore, were ready to have assoilyied; but referred it to some, to try if he would remove at Whitsunday, (but then he would overlay the grass till that time,) or that Ramsay would buy his stocking of sheep, &c. he had grazing in the park. But the President and severals thought that an overgiving was not sufficient without a renunciation in writ, and that the tenant might resile, or the master not accept it till then. But within burghs there are no such renunciations.

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*February 28.*—The Lords advised Deacon Thomas Campbell's bill of suspension, against the Earl of Haddington and his Tutors, anent his removal from the King's Park, mentioned 24th current. And the Lords having read his oath, by plurality they found he could not be removed, unless either he had been warned forty days before the term, or else had given a renunciation of his tack in writ under his hand: albeit he acknowledged he had declared that he would not keep it unless he got an ease of the rent, and knew of the placards affixed for a new set; and that, the tack being expired, and he only now bruing *per tacitam relocationem*, there was no need of a formal renunciation in writ; and that it was evident that he acted fraudulently, at least craftily, to get down his tack-duty.

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1693. *November 3.* GRAHAME *against* AUCHTERLONY.

ON a petition given in by Grahame, against Auchterlony, in Montrose, the Lords found a man (though eighty-six years old,) might give a discharge of a debt, though they had a ground of compensation against it; seeing it was not applied, and that compensation, unless sought, did not hinder uplifting; and modified £25 of expenses, (the whole debt in the bond being about £50,) but included the penalty of the bond therein.

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