

1741. *June 3.* SEATON of Gardenrose *against* CHRISTIE.

No. 4.

A TRANSACTION concerning sundry claims, on one of which adjudication had followed, not being reduced to writing, but one of the parties afterwards in a missive letter having mentioned the transaction and the transacted sum to be paid, viz. 5000 merks; the Lords found there was not *locus pœnitentiæ*, unanimously, on a bill without answers.

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1741. *June 19.* WALKER *against* LIVINGSTON of Bedlormy.

No. 5.

By contract betwixt Bedlormy as pretending to be nearest, at least near of kin, to a defunct, and several persons claiming also to be nearest of kin, he for a sum to be paid by such of them as should be found to be nearest of kin, renounced his own claim to the succession; but one of these had not signed: The Lords therefore thought Bedlormy not bound, and as a consequence thereof, found the other nearest of kin who had signed had *locus pœnitentiæ*.

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1744. *December 11.*

CREDITORS of HUGH MURRAY *against* GRAHAM of BALGOWAN.

No. 6.

A TRANSACTION concerning mutual claims being so far finished, that an account was framed and a balance struck, but, demur intervening, the papers delayed to be extended, and mean time the debtor in the balance having paid it up to the other upon his bill in common form; he dying, the Lords found it no finished transaction, and his heirs and creditors not bound. *Vide inter eosdem voce* MUTUAL CONTRACT.

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1745. *July 5.* AGNES MOODIE *against* ANN MOODIE;

No. 7.

THREE heirs-portioners intending to roup their lands amongst them three, the youngest made a private bargain with the second to become purchaser, and to give her a definite price whatever they should sell for at the roup. Thereafter articles of roup were extended and signed, and the youngest became purchaser at a higher price, and then the second insisted for her full third of the price, and alleged that there was *locus pœnitentiæ*, being a bargain concerning lands, and the articles of roup being posterior to it: But the Lords found unanimously that there was no *locus pœnitentiæ*. (See DICT. No. 42. p. 8439.)

See NOTES.