

S E C T. II.

Parts of a Barony in different Shires.—Effect of a Deputation.

1552. February 24. LD. CALDER *against* SHERIFF of NAIRN.

No 3.

ANENT the action pursued by the Ld. of Calder against the Sheriff of Nairn for calling of his tenants to his Sheriff-court, howbeit that all his lands lying within the said Sheriffdom of N., were annexed to the barony of C., lying within the Sheriffdom of M., and specially exempted from the said Sheriff of N., to give service and presence in the said court of M., where the said lands of C. lie, for the said lands of C., and all lands annexed thereunto;—it was *alleged* by the said Sheriff, That howbeit the said Thane was exempted from any service by virtue of the lands annexed; yet tenants and the said lands should not be exempted by virtue of the said annexation and exception foresaid; which allegiance was found relevant by the LORDS, and the tenants of the said lands ordained to answer, notwithstanding the said annexation.

Fol. Dic. v. I. p. 492. Maitland, MS. p. 116.

1622. March 7. L. CLUNY *against* L. BOQUHEN.

L. CLUNY as Bailie-depute to the Marquis of Huntly, who was heritable Bailie to the burgh of Aberdeen, obtains decret against the L. Boquhen before his own depute, and letters conform before the Lords, for some unlaws for his not compearance to answer in the head courts holden by the L. Cluny; the which being suspended by the L. Boquhen, upon this reason, viz. that he being constituted Bailie-depute by the Marquis, who was principal Bailie within such particular bounds within his deputries therein specially designed, within which bounds the lands for which he was unlawed lie, and that long before the deputyry given to Cluny; in the which anterior deputyry of the suspenders, there was a special place designed to him to hold his courts; therefore by his bailiary-depute he was exempted from suit and compearance, to answer for the lands contained in the said deputyry, either at head courts, or any other courts; especially against another Bailie-depute, who was constituted posterior to himself;—the LORDS found this reason of suspension relevant, and suspended the sentences thereby; albeit it was *answered* for Cluny, That his deputyry was universal through the whole bounds of the bishoprick, and that the suspender's bailiary was only particular within some certain bounds, which could not be extended to exempt him from compearance for his own lands in the head courts, but gave him only

No 4.

An heritable Bailie gave first a deputation extending over the lands of the depute himself, and several others; then a general deputation to another of the whole regality. The first was found exempted from suit or compearance at the courts of the other.