

No. 1.

the second table, because they had not adoe in the first as said is ; and there the said Earl by the said second table desired process, and the Lords decerned the same for the causes foresaid, and the said second table was put up upon the doors long before the said summons calling in the said Earl's cause. He alleged he was compelled to resign his lands and lordship of Morton in the King's hands, compulsus regio metu qui poterat cadere in constantem virum ; and to prove that the King had before long great and ardent desire to his lands, and devised divers causes to get them to himself, and that he was before the resignation made in the King's hands in favours of the Laird of Lochleven, lawfully charged by the King to waird in winter at,

and might not sustain the said travel and waird, but danger of his life ; and that incontinent after he had made that resignation, viz. *eodem die* he got a discharge of his waird and passing thereto, and a little afore the resignation made in favours of the said Laird of Lochleven, he resigned the same in the King's hands to remain perpetually with his Grace, and that he was charged to waird for no other just cause, and could get no relaxation and discharge of the waird while he had made that resignation, wherethrough of these presumptions he alleged was sufficiently proved that he did the same for just dread and fear of his life ; and so the Lords gave sentence *definitive*, and thereafter retreated both the resignations foresaid, and reponed him in the same estate he was in before the making of them.

Sinclair MS. p. 83.

No. 2.

1555. July 4. MARION CRAIG *against* JAMES MOWAT.

Discharge of ony debt, sowmis of money, or obligatioun maid be ony persoun beand in captivitie or prisoun, is null be way of exceptioun.

Balfour, p. 151.

1586. April.

LOVE *against* DOWNIE.

No. 3.
What is given by a person in ward is presumed to be *metus causa*.

John Love, indweller in Leith, pursued one Downie in Leith to restore and deliver to him again the sum of 400 merks, which sum he was compelled to give to the said Downie, being put in ward into the Castle of Edinburgh by James Stewart, sometime Earl of Arran ; and so he having given the said sum of money, ought to have the same restored, *L. 22. D. Quod metus causa*. It was answered, That the said Downie being hurt and bled by the pursuer, the said sum was given to him as a satisfaction. It was answered, That it was not relevant except