

1533. *January 15.*

No 3.

The PRIOR of CHARTERHOUSE *against* THOMAS BORTHWICK.

LANDIS, rentis, or uther possessiounis, pertening to the kirk, or ony kirk man, set in few-ferme, for certane dewteis to be payit zeirlie, as few-maill, with provision, that gif the fewar, his airis or successouris, failzie in payment be the space of three termis, in that cais the infestment to be null and of nane avail: Gif it happin the fewar, his airis or successouris, to failzie thairanent, he tynis and forfaltis his few, and the landis returnis to the gevar or maker of the said few, or his successouris: And mairover, in this cais, the fewar sould content and pay the byrunnis of his few-maill auchtand be him, for all the termis precedand the reduction and forfeiture of the few.

*Fol. Dic. v. I. p. 483. Balfour, (FEU.) No 7. p. 171.*

1553. *April 27.* BISHOP of Dunblane *against* ———.

No 4.

IN the action pursued by the Bishop of Dunblane *against* ———, for reduction of a feu, for not payment of the feu-mails by the space of three terms, it was *excepted*, That he had received a part of the feu-mails, albeit not complete payment of the terms libelled, and therefore had prejudged himself by his own deed, so that he cannot now have action to the reduction of the feu; which exception was found relevant.

*Fol. Dic. v. I. p. 484. Maitland, MS. p. 117.*

1557. *April 5.* SIR JOHN MASON *against* JANET MASON.

No 5.

INFESTMENT of land or tenementis, beand gevin to ony man, his wife, thair airis and assignayis, with speciall provisioun contenit in the said infestment, or zit in ony obligatioun or contract severallie maid to that effect, beirand, that gif the said husband, his wife, or thair airis, failzeit in payment of the said few-maill or annuelrent, contenit in the chartour, at three termis continuallie togidder; in that cais the said infestment to be null in the self, and of nane avail; gif efter the husbandis deceis, the wife, quha wes conjunct-fear with him, failzie in payment of the few-maill or annuelrent, all and hail the said infestment sould be reducit, and declarit of nane avail, with all that followit thairupon, in sa far as the samin concernit the conjunct-fear's liferent allanerlie; because the fault or trespas of the conjunct-fear sould not be prejudiciall to the air.

*Fol. Dic. v. I. p. 486. Balfour, (FEU.) No 8. p. 172.*