

1626. *July 19.* MARTIN, Minister of Deir, *against* His PREDECESSOR'S RELICT.

CONFORM to an order set down by the bishops, 1613, if a prelate or minister die before Michaelmas, the relict and children will have only that year's rent wherein he dieth; but, if after, they will have the half of the next year too, for their annat.

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1626. *July 21.* The LAIRD of LESLY *against* LESLY of PITCAPLE.

IN the action between the Laird of Lesly and Lesly of Pitcaple, the Lords found that the barony of Lesly, being retoured, and the lands of Pitcaple being a part thereof, and not retoured *specifice*, might nevertheless brook the benefit of the retour of the barony: And whereas there was a question of the retoured duty of the lands of Pitcaple, Found they ought to be retoured *pro rata* to the rest of the barony. *V. tit. Non-entry, infra.*

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1626. *Nov.* The LAIRD of GALLOWSHEILS *against* WALTER SCOTT of Harden.

GALLOWSHEILS charged Walter Scott of Harden, for fulfilling his part of a contract of marriage, by which he was obliged to employ £10,000 upon land or annual-rent, to his son Hugh Scott, and the charger's daughter, by the advice of the charger. He suspended, because his son and his wife had discharged him, as having received payment of the said £10,000. The Lords found the letters orderly proceeded, except the suspension could prove the money to be employed conform to the contract of marriage.

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1627. *January 10.* Dr STRACHAN *against* ROBERT KEITH.

ALEXANDER Keith, by his testament, left in legacy 1200 merks to M. his grandchild, to be given her at her marriage, and in the mean time to be employed upon profit to her behoof. After her marriage, Dr Strachan, assignee constituted by her and her husband, pursued Robert Keith, Alexander's son, for that legacy. The defender alleged, that it was discharged by her contract of marriage; in probation whereof, having succumbed, he came back and alleged that he could not have annual-rent after the marriage, because of the express words of the legacy. The pursuer opposed the state of the cause, that the defender, having once proponed a peremptor, could not be heard thereafter to challenge the relevancy of the summons. Notwithstanding, the Lords assoiplied