

subject can make, but only a place designed for taking of sasine of a jurisdiction granted by the bishop, and which the bishop might appoint; and many thought that no sasine in such cases is requisite.

*Vid.* 10th February 1631, E. Galloway.

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1630. *January 29.* SIR JAMES SCOT *against* The FEUARS of KINGS-BARNS.

SIR James Scot having a pension from the king, of the victual paid by the feuars of Kings-barns, and charging therefore; and the feuars suspending, that they had never been in use to pay the bolls to the king's chamberlain, nor his officers, at no time preceding, but only the prices modified by the Lords of Exchequer, which they were still content to pay to the pensioner, as they should modify the same;—the Lords found that the feuars were not holden to do to the pensioner but as they were in use before to pay to the king's treasurers and officers, and therefore that they were only subject to him to pay such prices as the Lords of Exchequer should modify for the feu-farm-duties.

*Act.* Primrose. *Alt.* ———. Scot, *Clerk.*

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1630. *February 9.* The COMMISSARY of DUNKELD *against* Mr PATRICK MURRAY.

THE commissary pursuing his creditor, and also the donatar to his escheat, to produce the horning, and to hear it reduced; it being questioned betwixt the pursuer and the donatar, (the creditor being absent in the process,) if the pursuer be holden to produce the horning himself to the defender; the donatar alleged he ought to do it, seeing the same was registered in a public register, and so could not be reduced for not production, albeit the defender should not produce the same. The Lords repelled the allegiance, and found that there was no necessity that the pursuer should produce the same; but found that if the donatar who compeared did not produce the same, that they would reduce it for not production.

Hay, *Clerk.*

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1630. *March 5.* CAMPBEL and ORE *against* SALMOND.

UMQUHILE John Ore being infest in an annual-rent out of an house in Edinburgh, redeemable, and thereafter he resigning in his daughter's favours, who was infest with reservation of her father's liferent, the father, thereafter, tochers that daughter with a greater sum than that sum whereon the annual-rent was redeemable; and divers years thereafter, upon payment made by the granter