

said decret was given : And, upon that assurance, some of the Lords declared, when they subscribed, that they subscribed not their own sense, but the sense of the Court : And though they were concluded, as said is, yet they were not convinced.

Page 102.

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1675. February 5. BROWN against GILVIE.

A PERSON, being pursued for an annuity of money, did claim the benefit of retention, conform to the late Act of Parliament :

But the Lords found, That albeit retention was granted for relief of debtors of their taxation, and that the debtor was alike concerned as to the end fore-said, whether he paid the annualrent, as the *usura*, and profit of a principal sum, or as annuity due upon a personal bond ; yet the Act of Parliament mentioned only annualrents : And being, as all Acts of Parliament, *stricti juris*, specially such as are *correctoriæ juris communis*, it could not be extended beyond the letter of the law.

Nevoy, *Reporter*. Gibson, *Clerk*.

Page 116.

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1675. February 5. DUKE of MONMOUTH against EARL of TWEEDDALE.

THERE being a transaction betwixt the Duke and Duchess of Monmouth, and the Earl of Tweeddale, whereupon a discharge was granted by the said Duke and Duchess to the said Earl, with consent of their curators ; which was also superscribed by his Majesty, taking burden for the Duke and Duchess ; with an obligation that they should ratify after majority : the said Duke and his Lady pursued a reduction of the said discharge, upon a reason of minority and lesion.

It was ALLEGED, That all parties having interest were not called ; *viz.* The officers of state for his Majesty's interest : seeing his Majesty was so much concerned, that, if any thing were evicted from the defender, his Majesty would be liable for the same.

The Lords REPELLED the defence ; without prejudice to his Majesty's advocate to appear for his interest, if he thought fit.

Stathurd, *Reporter*. Gibson, *Clerk*.

Page 117.

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1675. June 17. COLLEGE of ABERDEEN against The TOWN of ABERDEEN.

DOCTOR Reid having, by his testament, left his books to the College of Aberdeen, to be kept by a bibliothecare : and, having left for a patrimony and salary to the bibliothecare, the sum of 6000 merks ; and having named Mr Robert Dounie, his own relation, to be bibliothecare ; and, in case of his refusal, hav-