

- No 5. quent acts, which extend not *ad præterita*; neither did they find the singular successors liable, but that the heritors for the time were only obliged.

Fol. Dic. v. 2. p. 62. Stair, v. 1. p. 659.

* * * Gosford reports this case.

MR LAUREECE CHARTERS, as executor to his father, who was minister at Curry, pursuing the present heritor for payment of L. 1000 for building and repairing the manse, upon the late act of Parliament; it was *alleged* for some of the heritors, that they were singular successors, and could not be liable, seeing the said expenses were not declared to be *debitum fundi*, and a real debt, which the Lords did sustain; albeit, it was *answered*, that the act of Parliament ordains all heritors to be liable without distinction. *2d*, It was *alleged* for those that were heritors, the time of the reparation, that they could not be decerned but only for 500 merks, which was the most that heritors were liable to the time of the said reparation, which was before the year of God 1649, at which time, by act of Parliament, it was extended to L. 1000. THE LORDS did likewise sustain this allegiance, and restrict the sum to 500 merks, notwithstanding it was *alleged*, that the charges were *utiliter* expended for the heritors, who after the act of Parliament 1649 might have been compelled to make the same.

Gosford MS. No 223. p. 89.

HAMILTON of Monkland *against* MAXWELL.

- No 6. UPON the report of Redford, betwixt Hamilton of Monkland and Maxwell, the LORDS found, that a debt due by a person who had disposed his land upon the account that a manse was built, and that he was resting his proportion of the charges, is not *debitum fundi*.

Clerk, *Hamilton*.

Fol. Dic. v. 2 p. 62. Dirleton, No 274. p. 133.

1675. June 23. & July 16.

DOUGLAS of Kilhead *against* His VASSALS.

- No 7. THE retoured duties which are only due before citation in the general declarator of non-entry, are *debita fundi*, but the superior's claim to the full duties thereafter, is only a personal action against intromitters,

Fol. Dic. v. 2. p. 62. Stair. Dirleton.

* * * This case is No 36. p. 9318. *voce* NON-ENTRY.