

nomination of the endurance; and he craved it might last for 500 years to come.

The Lords declared, if Allardice proved the other points, they would determine it to last nineteen times 19 years, which was as long an endurance as ever any tack used to continue in Scotland; but the Lords sustained themselves as having power to determine the endurance, without any debate. So that it may be reconsidered; for it may be debated, if a tack, having no other ish but as long as the tacksman pleases, be valid, and if the Lords, as *boni viri*, may determine the duration thereof.

Sir George Lockhart affirmed, that it was a vulgar error to say, that a holograph writ was presumed to be on death-bed, and so ought not to prejudge the heir; for he was clear a holograph writ ought to militate against the heir of the subscriber, unless, by other adminicles and documents, they instruct that it was subscribed when he was sick and on death-bed. Yet the common received practick seems contrary.

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1681. *June 7.* The KING'S TRUMPETERS *against* ANDREW WOOD, Bishop of Caithness.

THE King's Trumpeters against Mr Andrew Wood, Bishop of Caithness, for payment of 100 merks due to them for his patent of honour as a Bishop.

ALLEGED,—By the Act of Parliament, in favours of the Lyon and his heralds in 1672, there is nothing payable by the bishops to the trumpeters; and, if any have formerly paid, it was *meræ facultatis*, and a gratuity, and no ways a debt.

The Lords found there was no law for it; but found it relevant for the trumpeters to prove that they are in use and custom of getting that sum from every bishop at his inauguration. But, if they found the quantity to vary, then the Lords inclined to look upon it as a mere voluntary donation and a free gratuity.

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1681. *June 10.* ANENT POINDING OF PLOUGH-GOODS.

In an action, reported by Newton, the Lords found the poinding of plough goods a spuilie, though it was offered to be proven that they had not been actually yoked in the plough for that year; seeing it was made appear to the Lords that it was done in labouring time, which is all that the 98th Act, Parl. 1503, requires.

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