

FIARS OF THE YEAR.

SECT. I.

Debtor Accounting.

1682. *March.* BARCLAY of Hilton *against* ROBERT SIMSON.

No 1.

TENANTS found liable for the neighbouring prices, though exceeding the fiars, and that albeit their masters did not require them to deliver their farm; but that they were only liable for the fiars, if they made offer of their farm to their master by instrument, and kept it for him as long as they could conveniently, unless they sold it for a greater price; and that if it lay and perished, the tenants were free, not being *in culpa*.

Fol. Dic. v. 1. p. 311. Harcarse, (SUMMONS) No 900. p. 254.

1686. *February 10.* LADY SAMFORD *against* The LAIRD.

No 2.

IN a case of the Lady Samford's, the LORDS, on report, found she was liable to accept of the fiars of the year for the price of the victual of her liferent lands intromitted with by the Laird, as being the legal price known and acknowledged by law, and that she could not get him decerned for the price he sold them at, which was more than the fiars; because if he had sold it for less, she would have claimed the fiars; and therefore *eodem jure uti debet* in both cases. See No 4. p. 4415.

Fol. Dic. v. 1. p. 311. Fountainball, v. 1. p. 401.