

ALTERNATIVE.

1742. *December 2.*

Sir JOHN ANSTRUTHER *against* MAGISTRATES of Pittenweem.

ALTERNATIVE OBLIGATION: There is a distinction betwixt it, and an obligation under a penalty or liquidate damage. Such occurred in this case.

See NOTES.

No. 1.

ANNAT.

1747. *June 9.*

MAGISTRATES of Edinburgh *against* RELICT of Mr. WOOD.

THE ann found due to the relict of ministers of Edinburgh, though the stipends are paid not out of teinds, but by the town, and though some acts of council settled the stipend in full of ann, but the town had uniformly paid the ann.

No. 1.

1747. *July 14.*

CHILDREN of Mr. JOHN M'DERMITT, Minister at Ayr, *against* MONTGOMERY, his Relict.

IN a question betwixt the minister's relict and children, The Lords found that the ann should not be divided *in capita*, but that the relict had the half. This I did not observe myself, and fancy that I was in the Outer-house, but had it out of my brother Kilkerrans collection. (DICT. No. 6. p. 464.)

No. 2.

See NOTES.