

that Nicol and his predecessors have ever been in peaceable possession of these lands while the last year," &c. After which deliverance the Lords decerned Samuelston to desist therefrom in time coming.

Page 360.

1481. *February 2.* The KING *against* JAMES _____, of DURHAM.

THE Lords found that the horse whereupon umquhile Thomas Bullock, servitor to James _____, of Durham, ran in the water of Aven and was drowned, was not escheat to our sovereign lord; because, by an inquest taken before the sheriff of Linlithgow, by command of the Lords of Council, it was found that the said Thomas forced the horse with spurs to take the water, and through his own folly and rashness was drowned; and not the horse's fault. And therefore decerned the horse to the said James _____, of Durham.

Page 361.

1540. The KING'S ADVOCATE *against* LUNDY.

THE King's Advocate seeking a declarator of non-entry of some lands, of one Lundy; the defender produced a charter granted to him by the king, which was found sufficient to stop non-entry for all time before the charter, although there was no sasine shown upon it; because it was thought that it should make faith against the king, that the lands contained in the charter pertained heritably to him to whom it was made.

Page 218.

1541. *July 20.* HOPPRINGLE *against* KER.

IF the king dispone, in his minority, any of the lands annexed to the crown, and, after, revoke the same in Parliament, the same alienation is null of itself, and needeth no declarator; but, if lands come in his hands by forfeiture, recognition, or other casualty, and be disposed by him in his minority, the same alienation, being revoked in Parliament lawfully, ought and should have a special declarator of a judge conform thereto; without which, he to whom it was disposed cannot be put from his possession.

Page 306.

1542. WALTER STIRLING *against* The LAIRD of KEIR.

WALTER Stirling having pursued the Laird of Keir for warranting to him a contract; the Laird excepted upon the nullity of the contract, being made by