

IRRITANCY.

1785. June 11. MR KIRK *against* SIR JOHN GORDON.

IRRITANCY in a tack by a Minister of his stipends or teinds, that it should become void and null in case of not punctual payment; if once incurred, not payable at the Bar. *Secus*, if payment after the irritancy be received voluntarily.

No. 1.

1787. June 17.

CARRUTHERS of Holmains *against* JOHNSTON of Persbiehall.

IRRITANCY of a feu *ob non solutum canonem*, where the irritancy was, "if twelve terms feu-duty should run together unpaid:" The defender produced several instruments at different terms, bearing offer of the feu-duty, but so defective that they could not be regarded: But the superior, after all these instruments, having written to the vassal dispensing with his making a tender of the feu-duty at that term, and offering to enter him on certain terms;—that was thought to be an acknowledging him as vassal, and dispensing with the defects of the former tenders;—and therefore the Lords found the irritancy not incurred. (See DICT. No. 67. p. 7235.)

No. 2.

1788. November 10. GEORGE STORRIE *against* ROBERT POLLOCK.

IRRITANCY in a wadset improper, that the lands should become irredeemable if the money was not paid in 1695: The Lords found, that though this was *pactum legis commissoriæ in pignore*, and the debtor might have got relief within 40 years;—yet no order for redemption being used for 40 years after the 1695, when the irritancy was incurred; the lands are now irre-

No. 3.