

## IMPLIED DISCHARGE AND RENUNCIATION.

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### S E C T. VII.

Inhibition of Teinds, how past from.—Requisition or Premonition.—Decree Arbitral.—Recognition.—Legal Exception.—Provision of Conquest.

1615. July 15. BALFOUR *against* The LO. BALMERINOCK.

No 35.

**I**N an action of spuilzie pursued by Mr Andrew Balfour, parson of Langnewton *contra* the Lo. Balmerinock, the LORDS found that the receipt of a peck of oats and a turse of straw, which was a part of the old duty, was enough to take away the inhibition.

*Fol. Dic. v. i. p. 433. Kerse, MS. fol. 999.*

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1625. July 12. HENRISON *against* EARL LINLITHGOW.

No 36.

**T**HE Earl of Linlithgow having borrowed from one Henrison the sum of 2000 merks, he gave to the party infestment and possession of some lands, for the security of the money, which he was obliged to pay upon requisition; and being required to pay it against Whitsunday, and after the term being charged therefor, the LORDS suspended that charge, because they found, that the charger had possessed the land, which was given to him in wadset for the money, by eating of the grass, and pasturage of his goods thereupon, after the term of Whitsunday, against the which the requisition of payment was made; whereas, if he had expected that payment was to have been made to him at

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