

principal sum of a 1000 merks, wherefore this annualrent was payable, was mortified to their town by the pursuer's kinsman, they paying to the pursuer the said annualrent yearly, which was brought from 100 merks to 80 merks this last bygone session, and is likely now to be brought to 60.

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1649. *December 14.* LOUTHIANE *against* NISBET.

IN the declarator of redemption pursued by Louthiane against Nisbet, of lands lying within the regality of Glasgow;—it was excepted against the pursuer's title, That it was a naked service, which could not be sufficient to sustain an action, except it had been retoured. It was replied, That the regality of Glasgow, and others of that nature, had a chapel of their own, which required no retour: and the custom was not to retour to the king's chancellery; and, suppose it were, it did multiply charges upon the poor lieges.

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1649. *December 14.* YOUNGES *against* The LADIES MURRAY and LAWDERDALE.

IN the transferring, Younges against the Ladies Murray and Lawderdale,—the exception proponed by them and the Earl of Home, That the bond was made *in lecto ægritudinis*, by their predecessor, was not sustained *hoc loco*, suppose their action of reduction, *super hoc medio*, was obtruded instantly. But the Lords bade them insist thereon, as they would be served.

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1649. *December 14.* SIR WILLIAM DICK *against* ALEXANDER KEIR.

IN the suspension by Sir William Dick against Alexander Keir, his reason of compensation upon that, That umquhile Patrick Keir, father to the charger, was debtful to him in greater sums, as he who had taken upon him, through his wife, one of the three heirs and executors of umquhile James Houstone, factor, to satisfy the said James his creditors,—was not found relevant; because those sums were not made liquid either against the said umquhile Patrick or against his son, who would neither be heir nor executor to him, but would bide as before; so yet still a process of count and reckoning; and so were not compensable: *As Cod. de Compensat. L. ultima, ubi vult imperator causam esse liquidam, nec multis ambagibus innodatam sed debitum certum non contraversum et presens, ut nec quod alteri debetur ad compensandum. adjici L. 13, ff. L. 9, Cod. eod.* It is to be marked, that the bond charged upon was made by Sir William Dick to umquhile Patrick Keir, during his lifetime, and to the said Alexander and his sister, after his decease; the which bond was thought to be the father's money, as proceeding from him, and payable to him during his lifetime; so that the said William,