

in place of Logan, whose possession was by an express commission, or *per tacitam relocationem*, and can be in no better case than he was; besides, the acquisition of the heritable office of Bailie of the earldom must, as a bounding charter, influence Ardincaple's possession perpetually, to hinder him to prescribe beyond the bounds of that office.

No 21.

THE LORDS found, That any charter erecting the estate of Lennox into an earldom, with as ample powers as any other Earls, did not give the Earls of Lennox a right of regality, nor to Balvie, their heritable Bailie of the earldom, a right to be heritable Bailie of the regality; and that Balvie's heritable office of the bailiary of the earldom, did not comprehend an heritable office of bailiary of the regality; and also found, That after the estate of Lennox was erected into a dukedom and regality, Balvie, who was formerly heritable Bailie of the earldom of Lennox, having accepted of a temporary commission for 19 years from the Duke of Lennox, to be Bailie of the regality of Lennox, and having commenced his possession by virtue thereof, he and his successors could not prescribe a right to the heritable bailiary of the regality of Lennox; and found the writs and documents produced for the defender not sufficient to exclude the pursuer's title.

Fol. Dic. v. 1. p. 146. Forbes, p. 697.

1724. *January.* COCKBURN *against* EDWARD.

No 22.

A DECREE-ARBITRAL, bearing that the Judges arbiters are to determine betwixt and the 22d day of December, this is construed to include the 22d day.

Fol. Dic. v. 3. p. 124. Edgar, p. 17.

See The particulars, *voce* ARBITRATION, No 31. p. 640.

* * * In the stile of law, the words 'betwixt and a certain term,' do not exclude the day of the term. *See* Joint Petition of the Advocates, No 10. p. 345.

SECT. IV.

Clauses in Contracts of Marriage.

1685. *March.* JANET LINDSAY *against* JOHN LOTHIAN.

No 23.

A HUSBAND, who stood obliged by his contract of marriage, sufficiently to secure his wife in a jointure, amounting to 1000 merks a-year, having purchased

A husband
being bound
to secure his