

No 21. 1618. July 15. A. against B.

IN an action of declarator of the double avail of a marriage, the LORDS found, that the keeping of a diet appointed for coming might be proved by witnesses, *ad hunc effectum*, to produce action for the double avail.

Kerse, MS. fol. 113.

No 22. 1622. June 29. SEMPLE against SEMPLE.

IN the action pursued by Bryce Semple against Semple, for the double avail of his marriage, the LORDS esteemed the single avail to three years rent of the part, which being 700 merks, they esteemed the single avail to 2900 merks, and the double to 4000 merks.

Fol. Dic. v. 1. p. 570. Haddington, MS. No 2641.

No 23. 1622. July 4. FRENCH & L. THORNYDYKES against CRANSTON.

IN the action of declarator of the double avail of the marriage of three sisters, daughters and heirs of umquhile Robert French of Thornydykes, against French of Frenchland, the LORDS found, that requisition and offer of a party might be made to a minor, albeit her curators were not warned; and that a donatar minor might warn, and require, and offer, without her curators: That the requisition was null, if the gift were not shown, or ready, and offered to be shown to the party required: That the requisition was null, if the requisition was made to the party required to meet in the private dwelling-house of the donatar; but that it should be craved to be kept in a public place, such as the Tolbooth or Church. They found also, that it was no disparage to offer a Gentleman to an heretrix, albeit he were unawed; and that it was not the parity of their wealth and means that made disparity, but only of their blood, or some personal defect, and notable deformity or infamy.

Haddington, MS. No. 2644.

. Durie reports this case.

1622. July 11.—IN the action pursued at the instance of French of Frenchland against L. Thornydykes, for the marriages of the apparent heirs of Thornydykes, being three sisters, whereto the L. of Frenchland claimed right, as donatar thereto, constituted by the King's Majesty; it was *alleged* for the defenders, whose marriages were acclaimed, That they ought to be assoilzied,