admitted, after litiscontestation, to give her oath, or rather to propone, by way of exception, the quality contained in her oath, anent the retention of the annuity payable to her, as possessor of the teinds, conform to the proportion due out of her tack-duty which she was obliged to pay to the Laird of Rentoune, being £100: and to keep off the years aughting, so much as she had paid, although she had paid, some years before, the said tack-duty without retention; because it was scarce well known while some years thereafter, by an Act of Exchequer, who should relieve ilk other thereof. And here it was alleged, That Sir Robert Dowglas, being obliged to relieve the Laird of Rentoune of such burdens, the Lady Aytone, in whose favour Sir Robert had procured that her tack, without sums of money, was obliged to relieve the said Sir Robert.

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1649. *December* 12. The EARL of NITHISDAILL *against* YOUNG and WILLIAM MAXWELL.

IN the decreet of wrongous intromission with teinds, by the Earl of Nithisdaill, Young, and Mr William Maxwell, in respect of certain nullities contained therein, and challenged, but, after a certain space, helped and amended;—the Lords would have the tenants reponed to their oaths, and all the titles libelled upon to be produced.

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1649. *December* 12. KINNABER *against* FORBES.

In that process, of Kinnaber against Forbes, the Lords sustained, That Kinnaber, against whom litiscontestation was made for not compearance, might extract the said act, propone an exception, and prove it instantly: notwithstanding that Forbes alleged, He might take up his process, and insist therein at his pleasure; neither could Kinnaber urge him farther, but by way of action, to insist, because it was not as a continuation, but a judicial act, standing registrate.

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1649. *December* 13. ——— *against* JAMES ROS.

IN the removing of James Ros,—the Lords, not knowing that there was an exception proponed upon a tack for terms to run, and admitted to the defender's probation, had ordained £40 of expenses for the proponing of that reply, anent a commission for division; which was against the form; and therefore, upon farther information, delayed that anent the expenses until the event of the process.

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