

and that Wishaw was not bound to relieve him thereof. Some of the Lords inclined to take a probation, before answer, of the way and manner of the Duke's and Wishaw's possession of that chamber. Others were for finding the Duke liable for the chamber-rent so long as Wishaw was paying him in the rests, the last partial payments being in March 1674. But the plurality assolyied Wishaw.
Vol. I. page 541.

1692. *November 23*, and 1693, *January 3*. KENNEDY *against* HANNAY.

Nov. 23.—BETWEEN Kennedy and Hanna, Deacons in Ayr, the Lords ordained the custom of that Burgh to be tried, if they fined their Tradesmen for absence from their meetings, and in how much; and found it relevant that he came after his citation, the night before the meeting, and made his excuse to the Deacon-Convener for his absence, and it was accepted.
Vol. I. page 521.

1693. *January 3.*—Between Hannay and Kennedy in Ayr, mentioned 23d November 1692. The Lords found the fine of twenty pounds Scots imposed by the Deacon-Convener upon him for his contumacy and absence not exorbitant nor illegal, and that, by the customs of Burghs, they might fine their absent members.
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1693. *January 4*. HELEN MURRAY, Lady Kinuchar, *against* WM. BETON.

DAME Helen Murray, Lady Kinuchar, pursues Mr. William Beton, advocate, on an agreement, for communicating their rights upon the lands of Etherny, and to count to her husband for a part of the rents effeiring to his sum; and he having sold the lands to Watson, so that the annualrent of the price exceeded the rents of the lands, and offering to hold count to her effeiring to the rents, because he got a greater price in contemplation of the house and gardens, and other conveniences.

The Lords found he was liable to count conform to the price, as a *surrogatum* coming in place of the rents of the lands; and brought them in *pari passu* effeiring to their sums.
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1693. *January 4*. SIR WILLIAM DOUGLASS of Cavers *against* ELLIOT of Stobs.

BETWEEN Sir William Douglass of Cavers and Elliot of Stobs. The Lords found no process, upon an execution of a summons of declarator of nonentry, as vitiate in the date. Some were for annulling it *in totum*; but it was sustained only *ab hoc tempore*, for little informalities, and nullities cast such odious pro-