No 51. *** A similar decision was pronounced 14th February 1612, Wedderburn against Nisbet, No 21. p. 6322.

1554. *February* 23.

Executrix of George Forrester *against* Laird of Dreddon.

No 52.

Anent the action pursued by Mr George Forrester's wife, executrix to her husband, who was chamberlain to the Abbey of Holyroodhouse, against the Laird of Dreddon, for certain teinds of certain years, it was *alleged* by the said Laird, That he had acquittances of three terms, wherefor he was not obliged to show any acquittance of any terms before the said three terms, being sufficient enough for all terms preceding the said three terms. It was found by the Lords' interlocutor, That without the said Laird would show three sundry acquittances of three sundry terms continually together, his allegeance was no ways relevant; and if he would show the said acquittances for the said three terms, as said is, it were sufficient enough for all years preceding. *See* No 56. p. 11393.

Fol. Dic. v. 2. *p.* 139. *Maitland, MS. p.* 114.

1564. *March* 21.

Young Lethington *against* His Father and Lord Zester.

No 53.
Three sasines fill the land.

Gif the superiour callis and persewis his immediate tenent, to heir and see the landis halden be him decernit to pertene to him as superiour be ressoun of non-entres, the said tenent shall be assoilzeit thairfra, and the landis with thair pertenentis on na wayis decernit in non-entres, gif he himself and twa of his forbearis immediately preceidand him, were retourit, servit and sasit, ilk ane after uthers, as immediate tenants of the said landis, with the pertenentis to the said superiours; because thre retouris, with saisines followand thair-upon in manner foirsaid, standand unreducit, are sentences in thameselfis, and fries the lands contenit thairin, with thair parts, pendicles, and pertenentis fra all foirfaltour of non-entres, for all dayis, zeiris, and termis precedand the intenting of the saidis summondis of non-entres.

Balfour, (Non-entry of aires.) *No* 24. *p.* 262.

No 54. 1605. *July* 16. Lady Errol *against* Cruikshanks.

My Lady Errol pursued Cruikshanks for many years duties. He excepted upon payment of the last three years duty, which he offered to prove by writ or oath of party; and consequently, that the same behoved to infer liberation

of all preceding years. It was *answered*, That the allegeance should be repelled for two causes, *imo*, Because he was pursued for the yearly duties of the lands, the grassum thereof every five year; and he excepted no ways upon any payment of the grassum; *next*, That he was pursued as heir to his umquhile father before his decease. THE LORDS found the exception relevant for the ordinary yearly duty of the land during his own occupation; and repelled the allegeance, and found process for every five years grassum during the defender's occupation, and for the years alleged owing by his father, which they found not to be taken away by payment made of the last three years by the defender. No 54.

Fol. Dic. v. 2. p. 136. Haddington, MS. No 916.

1610. *February 2.* MELVILL *against* STEWART. No 55.

THE King's officer having acquittance of the fee or livery of two years together of any of the King's servants, will be thereby presumed to be liberated and discharged of the said fee or livery of all preceding years and terms.

Fol. Dic. v. 2. p. 137. Haddington, MS. No 1779.

1622. *March 26.* KENNEDY, DALRYMPLE *against* ———. No 56.

THE LORDS found that the payment of three terms of an annualrent, confessed by oath of party, imported not liberation of all other preceding terms, unless the oath did bear, that the payment of three terms immediately subsequent one to another. *See* No 52. p. 11392.

Fol. Dic. v. 2. p. 136. Haddington, MS. No 2634.

1631. *February 17.* WILLIAMSON *against* L. BALGILLO.

MR David Williamson, minister, charging the L. Balgillo to make payment of certain duties addebted to him by the defender, for his stipend of divers years bypast, and he suspending, That he had made payment to the charger of the duty, for the year condescended on, likeas his umquhile father had paid to him the same duty these two years which immediately preceded that year paid by the suspender, whereupon they had reported the charger's three several discharges of these three years, which payment presumes, in law, payment of all years before the three years discharged, and must produce liberation to him of all the said bygone years; the LORDS found, That this payment made of these three years, immediately succeeding each one to the other, without interruption or intervention of any years betwixt them, and to be proved by three several

No 57.
Three consecutive discharges by the same person, though granted to two persons, viz. two to the father and one to the son, found sufficient to liberate from bygones.