

defenders; which bond bore in its narrative to be for aliment furnished to the said Mary Seton by Forrest and his mother, for several years preceding 1691.

It was *answered* for the pursuer, That since Forrest was in the knowledge of the qualities in Brown's bond, and was entrusted with it for Seton's behoof, neither did he pretend any claim of aliment at the time of granting it, the compensing bond was an undue imposition on Mary Seton, and could not be regarded.

THE LORDS found, that the bond bearing the qualities therein mentioned, the depository could not take a bond in contravention thereof for aliment preceding the bond.

Reporter, *Lord Cullen.*

Act. *Ja. Boswell.*

Alt. *Ad. Watt.*

Clerk, *Gibson.*

*Fol. Dic. v. 4. p. 24. Edgar, p. 9.*

No 39.

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SECT. IX.

Members of the College of Justice buying pleas.—*Pactum de quota litis.*

COLT *against* CUNNINGHAM.

AN advocate may buy land, although the matter be depending by process, notwithstanding of the act of Parliament upon that subject; because, by the act, it is found, that the contravener hereof shall tyne his office and privilege, but not his action. (See act 220. Parl 14. James VI. 1594.)

*Fol. Dic. v. 2. p. 24. MS. Cases at the end of Pitmedden's copy of Colvil.*

No 40.

1611. June 5. CUNNINGHAM *against* MAXWELL.

AN advocate having bought land to be holden of the King, and perceiving a cause of reduction of a comprising of the said land, will not be excluded from his action, upon allegiance upon the act of Parliament, that it is not leisom to Advocates, or Members of Session, to buy lands depending in plea, and, if they do the contrary, they shall tyne their place, office, and privilege; but their actions will proceed, but prejudice to any party having interest to seek his deprivation, according to the act of Parliament.

*Fol. Dic. v. 2. p. 24. Haddington, MS. No 2196.*

No 41.  
Found in conformity with the above.