

preferred to the executors of the Lady Eastbarns, his mother, *quoad* all the lands disposed to Mr Patrick by his father. See 5th December 1671, [*supra.*]  
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#### ANENT the CUTTING of WOODS.

*QUÆR.* if a donatar to a ward or a liferent escheat may cut a whole wood, and apply the price of it to himself. Some think, if it be *sylva cædua*, he may cut it in hagggs,—*Vid. L. 30 D. de V. S. ibique interpretes.* But if it be a forest, he cannot otherwise cut it than the heritor was in use to do, or for the use of the ground, to repair tenants' houses, &c. or to sned them. This may also be demanded concerning a liferenter or wadsetter. See Craig, p. 218, Stair, *tit.* 14, § 23.  
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#### ANENT REMOVING WADSETTERS.

WHEN one would take the possession from a wadsetter upon the 62d Act Parliament 1661, he should offer caution, besides his own bond; and he should warn the wadsetter, forty days preceding Whitsunday, to remove, in the same way as one would do with his tenant. See 14th June 1671, *Lord Lovat.*  
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1699. *February 7.* The CREDITORS of RUTHVEN of DUNGLASS competing.

IN the case of the competition of the Creditors of Ruthven of Dunglass, between an infestment and an apprising; I hear that the Lords found, where a bond which is the ground of one's infestment, is prior to a comprising and the complete diligence following thereupon, and that the party is infest upon that bond before the compriser is infest; that this is sufficient to bring him in *pari passu* with the appriser. As also it was again found in the case of *William Maxwell* against *Sir David Dunbar.*  
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1679. *February 8.* ANABELL, ALISON, BESSIE, and JANE LOTHIAN *against* KATHARINE LOTHIAN and MATTHEW RAMSAY, her Husband.

[See the prior part of this Case, Dictionary, p. 5649.]

IN the action (mentioned 15th June 1678,) pursued by Lothians against Mr Matthew Ramsay and his wife; the probation anent the death-bed being this day advised by the Lords, they found the same fully proven, and therefore reduced the disposition. They craved the Lords would also reduce the disposition, which the pursuers had got, of that same date, from the same author, that there might be an equality and a *collatio bonorum.*

This the Lords refused, they not having so much as raised a reduction of it; but reserved it to them as accords.  
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