

1681. *November 30.* SIR DAVID CARNEGIE of PITTARROW *against* The other CREDITORS of GRAHAM.

SIR David Carnegie of Pittarrow's case against the other Creditors of Graham of Craigie being reported, the Lords found the inhibition ought to reduce the heritable bonds bearing infestment, granted posterior thereto, though they related to personal bonds prior to the said inhibition, and were not merely voluntary, but were granted when the party was taken with caption.

*Vol. I. Page 165.*

1681. *December 1.* JANET RAMSAY and ——— BROWNS *against* Their CREDITORS.

IN the action of vendition pursued by Janet Ramsay in Dalkeith, and ——— Browns, her children, being minors, against their creditors; the Lords made some scruple and difficulty to find a necessity of a sale of lands for paying the debts, because the yearly rent was £100 Scots, and the debt was but 1100 merks, and none of the creditors had done real diligence, save one Laurie, who had adjudged. Yet, on considering the burden of the relict's liferent with the public burdens affecting their lands, they at length found the necessity of a sale of as much as would pay the foresaid debt, seeing seven years' rent would not pay the whole debt; and, in case a part of the lands could not be conveniently sold, then authorized the sale of the whole, if it could not be well separated and distinguished.

*Vol. I. Page 165.*

1681. *December 3.* ELIZABETH BRAND *against* GAVIN WEIR'S HEIRS.

ELIZABETH Brand, relict of Gavin Weir, merchant in Edinburgh, having given in a bill to the Lords, craving an aliment to be modified to her, for that term wherein her husband died, and in which she had entertained her daughter and her family; and also craving an aliment to her daughter in time coming, *viz.* 600 merks yearly, till she be six years old; and 800 merks yearly from six to twelve, at which time she was out of tutory; in regard the fortune was opulent, and there was no children but herself:

The Lords refused the bill *hoc loco*, and referred her to pursue for it, *via ordinaria*, by way of action.

But she, having raised an action during the dependance, on a bill, got a deliverance on the 30th March 1682, modifying 800 merks to her for entertaining the family from June (when her husband died,) till Martinmas, that her jointure begins.

*Vol. I. Page 165.*