

against any other creditor. The Lords ordained her to give her oath, or to stand to the first decret, the pursuer finding caution to refund the sum, in case any other creditor pursue her *ultra vires inventarii*. Which is an usual decision in the like cases. Page 75.

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1630. *January 12 and 14.* EDMONSTON [OR ADAMSON] *against* The LAIRD of FREELAND.

EDMONSTON, relict of umquhile Alexander Ruthven, charges the Laird of Freeland, as heir to his father, to bestow 2000 merks to her in liferent, conform to her contract of marriage. It is alleged for Freeland, that the sum was paid to the late Alexander, her spouse, and his discharge produced thereupon; and that she, being universal intromitrix with her husband's goods and gear, cannot convene Freeland for a deed which her husband should have done unto her, because he will have action against her to relieve him. It is replied, That, if the defender will condescend upon the goods and gear intromitted with by her, she shall purge the same. The defender alleges, That his exception is relevant, except she both condescend and purge. The Lords ordained the woman to condescend.—*12th January 1630.*

In the same action, after the woman had condescended upon the particulars intromitted with by her, within the house, being necessary,—it was alleged by Freeland, That he offers him to prove, that she intromitted with more nor was contained in her ticket whereupon she condescended. To the which it was answered, That he behoved to condescend upon such particulars as he alleged her to have intromitted with and omitted. It was answered by Freeland, He had no necessity to condescend upon particulars; but generally, That she intromitted with more goods and gear than was contained in her ticket. Which general condescendence the Lords sustained; reserving to their consideration, after probation, if thereby they would find her intromission with such particulars worthy to make her universal intromitrix. Page 104.

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1630. *January 15.* HUNTER *against* HARDIE, who was Infest in the Lands of Kedslie.

A BASE infestment, clad with possession of a great part of the lands contained in the infestment preferred to a public infestment, holding of the superior of the same lands, seeking to remove some of the tenants of the said lands, who were alleged, by the pursuer, not to have been in use of payment of any duty to him that had the base infestment;—which the Lords allowed, by reason that the right of an infestment of a land was not divisible. Page 106.

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1630. *January 17.* The Young LADY AYTOUN *against* PATRICK HOOME of LAW.

THE young Lady Aytoun, upon a decret of removing pursued against Patrick Hoome of Law, in July 1629, conform to a warning made before Whit-