

1649. *December 13.* LINDSAY of PITTERLIE *against* JOHN PETER.

IN the reduction at Lindsay of Pitterlie his instance against John Peter, of an inhibition served by him against the umquhile Bishop of Glasgow, upon that [reason,] That the lands possessed by Pitterlie, or dispoened to him by the umquhile Bishop, did ly within the regality of St Andrew's, and the said inhibition was not served at the cross thereof;—the Lords sustained his interest; suppose it was objected that Pitterlie had only disposition and infestment of warrandice, and that he was not distressed. *Page 88.*

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1649. *December 13.* KER *against* ANDREW KER.

WHERE James Trotter, as assignee, by Andrew Ker, to a sum of money consigned; it was alleged for the said Andrew his elder brother, That he had right from his father to that sum and wadset, by virtue of his contract of marriage. To the which the said Andrew did answer, That their father did make a posterior right thereof to him, obliging his heirs to make it good. The Lords would have the children to debate the cause between them, and that the Laird of Fairningtoun should take up the money in the meantime, out of the clerk's hands, upon bond in the meantime, for principal, [and] annual, while he got a sufficient renunciation from the heir for purging his land *habili modo.* *Page 88.*

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1649. *December 13.* FAIRTHFULL *against* HAY, MONRO, and MOWAT.

IN that multiplepointing, Fairthfull against Hay, Monro, Mowat,—the Lords inclined much against Hay, donatar to umquhile Alexander Hay's escheat, that he and the rest of the parties should condescend on the justness of their debts, and grounds of decreets, which they had obtained soon after the visitation, as if that escheat had not been granted to the prejudice of lawful creditors, in favours of a brother, who was tutor to the defunct's children. *Page 89.*

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1649. *December 13.* The LAIRD of DURIE and His BROTHER *against* LADY BALNEVES.

BALNEVES, urging the Laird of Durie, and John, his brother, for payment of a yearly duty provided to her in liferent by the procurement of her umquhile husband, Sir James Lundie, who had dealt his estate unto them;—they suspend her charge, upon that they have obtained discharge from George Jamieson, donatar to her escheat, who was denounced rebel, for not payment of 1000 merks, which she was ordained to lend the public. But it was answered, That there was collusion herein, betwixt Durie and George Jamieson, to frustrate her of payment; since she offers her to prove, that she required Durie to give her 1000