

1677. *July.* The CHILDREN of Captain ROBERT LEIRMONT *against*

IT was found by the Lords, that some had forged the seal of the office of the College of Justice, in a case between the children of Captain Robert Leirmont and a stranger, about a commission for trying somewhat abroad.

*Advocates' MS. No. 620, § 1, folio 296.*

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1677. *July.* EARL of DUMFREIS *against* HAY of Hayston.

THE Earl of Dumfreis gave in a bill to the Lords against Mr John Hay of Hayston, their clerk, complaining of him that he had interlined his name in a petition, making him consenting to an act very prejudicial, without any warrant from him.

*Advocates' MS. No. 620, § 2, folio 296.*

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1677. *July 26.* The CREDITORS of ELIZABETH HERIOT *against* SIR ANDREW RAMSAY.

IN the case of the Creditors of Elizabeth Heriot against Sir Andrew Ramsay, in whose hands they had arrested her annuity yearly of 300 merks; it went to the Lords' answer, whether this money, being of the nature of an aliment, was arrestable, yea or not. They found it was, in the general case; and arrestable, because it had succeeded in place of real rights upon the estate of Waughton, that she and her husband had disposed to Abotshall. *2do*, There was a speciality in Isaack Brand, baxter, his debt, who was one of the arresters, because it was contracted for meat and drink; and so being alimentary too, was equally privileged, for *privilegiatus contra privilegiatum non gaudet suo privilegio*.

II. It was doubted how far an arrestment of an annuity will affect and reach, whether the whole year or only the term and current half-year, which is the opinion of some. See Sir G. Lockhart's information for my father against the Laird of Nidry, about arresting the rents of Carington by Nidrie.

*Advocates' MS. No. 621, folio 296.*

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1677. *July 26.* SIR ANDREW RAMSAY of Waughton *against* WILLIAM AUCHINLECK, Maltman in Preston.

JOHN SMITH, chamberlain to the said Sir Andrew, having, in February 1676, sold 200 bolls of Sir Andrew's bear to this Affleck at L.11 or L.12 the boll; and ere the term of payment came, the markets and prices of victual falling consider-