

1682. *February 16.* PROVOST FERGUSON *against* FERGUSONS, his Son's Children.

PROVOST Ferguson is found, by the Lords of Session, on Boyn's report, in his action against his son's children for aliment, to have alimeted his two grandchildren *ex pietate paterna* for the two years he claimed; and therefore refused him any aliment.

*Vol. I. Page 174.*

ANENT SUSPENSIONS without CAUTION.

THE Lords begin now to refuse to set debtors at liberty on suspensions without caution, though they offer *cautionem juratoriam*, unless they also consign a disposition of their moveables, as bankrupts do of their whole estate both heritable and moveable.

*Vol. I. Page 174.*

---

1682. *February 18.* SIR ARCHIBALD STEWART *against* SIR JOHN GORDON of PARK and ARTHUR FORBES.

IN Sir Archibald Stewart's case against Sir John Gordon of Park and Arthur Forbes, the interdiction was annulled for the want of the oyeses, and on the other adminicles adduced. This being stopt, and a clamour made; on the 28th February 1682, the Duke of Albany being present, it was debated of new.

*Quær.*, If one interdicted grant a bond with cautioners, and if he reduce the bond as granted by him when he was interdicted, if this will free the cautioners. It is thought not; no more than the cautioners of a minor or a wife are freed, though the principals be.

*Vol. I. Page 174.*

---

1681 and 1682. SIR PATRICK NISBET of DEAN *against* The WEST KIRK POOR.

*December 9.*—THE case betwixt Sir Patrick Nisbet of Dean and the Poor of the West-Kirk Parish, anent their rights on Alexander Sked's lands in the Water of Leith, being reported; the Lords repelled the first answer made for the Kirk-session, against one of Sir Patrick's and his son Hary his seasines produced, *viz.* it was null, because it did not bear production of the heritable bond, the warrant thereof; and that in respect it was granted *propriis manibus*: and, before answer to the second answer made for the Kirk-session, ordain their procurators to condescend on the particular acts of dole, whereby Sir Patrick Nisbet, being an elder of the kirk, and so their trustee, postponed and obstructed the Kirk-session's diligence, to prefer himself. As also, before answer to the third, appoint parties to be heard before the reporter, whether the time of the dating of the confirmation of the base infestment,—(which was subscribed be-