

1684. *January 16.* GORDON of ROTHEMAY, and ——— BARCLAY *against* COLONEL FULLERTON and LORD BOYNE.

GORDON of Rothemay and ——— Barclay, heretrix of Towie, his Lady, against Colonel Fullerton, and my Lord Boyne, who married the said heiress's mother, reported by Saline.

The Lords found that Colonel Fullerton, being the posterior tutor to the said Lady Towie, ought to have called her mother, (who was afterwards Lady Boyne,) her prior tutrix, to an account, notwithstanding she had obtained a decreet of exoneration of her office and intromissions; but, in respect of the decreet of exoneration, they remit to the reporter, before answer, to hear the parties on the articles of the condescendance of the pursuer's lesion (when minor) given in, and to report; and ordain the Colonel to produce the contract betwixt him and the Lord Boyne, and to condescend on the expenses at law depursed by him on the minor's affairs. *Vol. I. Page 260.*

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1684. *January 17.* ROBERT SANDILANDS *against* JEAN HERIOT, Lady Ramorney, and JOHN CRAIG.

ROBERT Sandilands, merchant in Edinburgh, against Jean Heriot Lady Ramorney, and John Craig, her son. The Lords, on Forret's report, decerned against the son; but, in regard he was a child, superseded all personal execution against him till he was 18 years old. And, for the Lady, found her letter produced contained no obligatory words against her, to make her liable for her husband's bond acclaimed; they being only spoken *impersonaliter, et in tertia persona*, that she hoped shortly course should be taken with her husband's debts, and desired him to forbear, but did not promise that she would take course with it; and therefore the Lords assoilyied her, in respect she was confirmed executrix-creditrix to her husband, on her contract of marriage, which was not fulfilled *aliunde*. *Vol. I. Page 261.*

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1684. *January 17.* ALEXANDER and CHARLES MAITLAND *against* RODERICK DAVIDSON.

THE competition between Alexander and Charles Maitlands, the macers, and Roderick Davidson, who had got a posterior gift of it from the King, as vacant by the deprivation of Alexander Maitland, the father, from all offices, upon the mint decreet, being reported by my Lord Carse;—the Lords reccommended to two of their number to endeavour a settlement.

In this process, Charles Maitland gave in a declinator against my Lord Register, that he should not vote, because he had procured that gift to his man Roderick Davidson. Charles having alleged he was conjunct *dominus* of the place with his father, and, on his deprivation, that his right stood good;—it was