

ANSWERED,—She had right, both as donatar to his escheat and as executrix-creditrix.

The Lords refused his bill *hoc loco*, seeing he might point. *Vide* 26th Jan. 1688. *Vol. I. Page 490.*

1688. *January 26.*—At Privy Council, the Countess Dowager of Home pursues Renton of Billie, Sheriff-depute of the Merse, for oppression, in granting a summary warrant to break up her barn-doors, that John Hay, a creditor infest, might point. Whereas, *1mo*, He refused to give up the libel to see. *2do*, John Hay had applied to the Lords for a sequestration of the rents, and was refused, *ut supra*, 14th December 1687. *3tio*, There was a suspension of multiplepointing by the tenants depending, and the Lady had both the gift of her husband's escheat and was executor-creditor to him on her contract; and therefore craved he might be punished, conform to the 26th Act of Parliament 1469, and other laws, for his abusing the King's authority (by which he should protect the lieges) to the oppressing of them. ANSWERED,—The point of right ought first to be discussed and remitted to the Session; and John Hay is a preferable creditor to her; and the Sheriff may assist any who implore his aid; and the Lords of Session only declined to meddle with it, as being *mixti imperii*. The Privy Council sustained the libel, and named a committee for examining the witnesses.

And, on the 19th of February, it being advised, the Lords ordained the Lady to be repossessed; but withal appointed her to find caution to refund, if John Hay prevailed in discussing the suspension. But afterwards they took off the necessity of her finding caution, and waved that point about the Sheriff-depute's carriage. *Vol. I. Page 494.*

1688. *February 1.* CROMARTY'S CREDITORS *against* TARBET.

THE case of the Creditors of Cromarty and Tarbet was debated; wherein it was contended, that the roup of a part of the lands upon the 17th Act 1681 is prejudicial to the sale of the rest; because, by this course, a parcel of the best land might be picked out, which would make all the rest sell, and so the rest shall not be got sold.

Yet the Lords found it might be sold in whole or in part as occasions offered; and sustained the partial roup. *Vol. I. Page 495.*

1686 and 1688. SIR ROBERT SINCLAIR of STEVENSON, and COLONEL ADAM RAE, *against* SIR JAMES SINCLAIR of KINNAIRD.

1686. *January 27.*—Sir Robert Sinclair of Stevenson, and Lieutenant-Colonel Rae, his trustee, pursue Sir James Sinclair of Kinnaird, as heir to Mr