

was the opinion of Lords Coalston and Auchinleck, that, besides the *locatio operarum*, the miller had the care and custody of the grain, for which he was answerable; and, therefore, an arrestment could be laid on in his hands; and it was compared to the case of a man putting up his horse in a livery stable, or sending his coat to a tailor to be mended. But Lord Alemore and the majority were of opinion that a momentary possession, for a particular purpose, was not such a possession as could be the foundation of an arrestment.

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1760. *November 17.* WILSON *against* YOUNG.

A WIFE was infeft in her husband's estate for a liferent annuity, after which she consented to an heritable bond, granted by her husband; upon this bond the creditor adjudged the lands, and the legal of the adjudication was suffered, by the husband, to expire. The widow now comes and claims her annuity out of the lands, and the question is, Whether she is barred by her consent to the adjudger's debt?

Lords Kaimes and Coalston were of opinion that her consent implied no more than that the creditor should be paid out of the lands preferably to her, but did not import a renunciation of her annuity or a consent that the creditor should have the property of the lands free of that burthen. But a great majority of the Lords were of opinion that, by her consent, she took the hazard of the debt, and of all its consequences, and that she never could claim her annuity in competition with the creditor; in short, that, in a question with him, she was in the same situation as if the constitution of her annuity had been posterior to the creditor's debt, or had not been at all.

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1760. *November 28.* MARGARET ARNOT *against* ISOBEL PATERSON.

A SUMMONS of reduction of a disposition of lands was raised within the forty years, libelling that the disponent was interdicted, and therefore incapable of disposing without consent of his interdictors; alleging also the common grounds of reduction, with this general clause added, "*for other reasons and causes to be alleged,*" but without any special mention of fraud or circumvention. Thereafter, when the forty years were expired, the pursuer gave in a condescence of his reasons of reduction, wherein he alleged, and offered to prove, fraud and circumvention; but the Lords found that he was barred by prescription, because the ground of challenge was not particularly condescended on before the forty years expired; for they thought a general challenge of the right was not sufficient to interrupt the prescription of any particular ground of reduction. This decision was unanimous, and it had often been so decided before.