

the Lords decerned for all annuals of that sum owing by the debtors, the time of the forefaulture, and for the annuals thereof since the restitution *per modum justitiæ* in 1661, and assoilyied from the rest. This will make about the half of the annualrents.

Then Bramford insisted against the Laird of Carse for repayment of L.20,000 received by him out of Bramford's forefaulture. ALLEGED,—*1mo*, He was an infant when it was paid. *2do*, It was given for most onerous causes, viz. either for fees and other public service done by his father as Justice-General, or was real lent money to the States, which also they instructed. The Lords found whatever was given upon the account of service must be restored, and therefore decerned for that; but what was given for payment of borrowed money they demurred longer on it, yet at last they found no causes, how just and onerous soever, of sufficient strength to stand against the rescission of that unjust forefaulture, and therefore they involved Carse's principal under that same very fate with Callender's; and sic like, for the annualrents recommended them to agree.

Kinghorne, who got 15,000 merks of that forefaulture as the price of meal, forecasting the horoscope of his affair, and fearing the speit wherein he saw things running, he submitted the difference betwixt him and them to my Lord Chancellor.

*Advocates' MS. No. 289, folio 122.*

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1672. *January 3.*

A WOMAN pursuing for a sum provided by bond to her husband and her, the longest liver of them two, his heirs, executors, and assignees; and it being ALLEGED she could not uplift the sum, the fee terminating on her husband's heirs, my Lord Advocate found she might lift the sum, she confirming before sentence, because it was moveable.

In such cases the Lords will ordain the sums to be given up to her, she discharging with absolute warrandice, or finding caution for the right employment of the sum, or confirming.

*Advocates' MS. No. 290, folio 122.*

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1672. *January 3.*

ANENT INFERIOR JUDGES.

THE King's Advocate also refused to advocate a cause from the bailies of Edinburgh, upon this reason, that the question dipped upon double rights and infetments, and their competition, whereto inferior judges were incompetent; yea, with indignation, he remitted the cause, and declared when he was assessor to the town he had advised twenty such rights, and they were competent enough to them.

*Advocates' MS. No. 291, folio 122.*