

escheat, or poiding; and therefore decern. For real diligence would soon have exhausted the sum, and was uncertain. *Vol. I. Page 225.*

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1683. *March 14.* LUDOVICK SPENCE *against* SIR WILLIAM SHARP and JAMES SCOT.

LUDOVICK Spence against Sir William Sharp, and Mr James Scot, sheriff-clerk of Edinburgh, reported by Colinton. The Lords assoilyied Mr James Scot as not being debtor to Sir Francis Ruthven, but to the King's Majesty and his cash-keeper, as to that fine imposed on Sir Patrick Hepburn of Blackcastle, for harbouring Mr Gabriel Semple, a fanatic minister, and which was gifted to Sir Francis. And also assoilyie Sir William Sharp, he being accountable only to the king and the lords of the treasury for that money. Though it was alleged, from *Damoderii Prax. Criminal. cap. 83*, that *militare stipendium*, especially such donatives as thir, were arrestable and not of an alimentary nature. *Vol. I. Page 225.*

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1683. *March 14.* LUMSDEN of INNERGELLY'S CREDITORS competing.

IN the competition among the Creditors of Lumsden of Innergelly; the Lords, on Drumcairn's report, sustain thir two reasons of reduction *separatim* relevant to reduce Cleland's adjudication, with all that has followed thereupon:—*1mo*, That the seazine was not registrate *debito tempore*, within sixty days. *2do*, That the adjudger himself had, before the adjudication, received payment of part of the sums adjudged for, and so did adjudge for more than was due; and they found the charge against the superior, though without the offer of a charter or a year's rent, is sufficient against competing creditors to supply a year's rent, though it cannot prejudice the superior as to any of his casualties.

And, as to the objections against the children's and John Callander the donatar's adjudications, the Lords repel them *hoc loco*; without prejudice to the creditors to insist in the reduction of these adjudications, as accords. And refuse to consider or receive the said reasons of reduction summarily and *incidenter* in this competition. *Vol. I. Page 225.*

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1683. *March 15.* The EARL of MIDDLETON *against* WOOD of BONINGTON.

THE Earl of Middleton against Wood of Bonington, reported by Forret. The Lords find Bonington's bond of caution for William Coupar, who had been Middleton's chamberlain, and had broke without counting for the rent, did not oblige him. *Vol. I. Page 226.*