

- No. 11. not infert;—and a decret of reduction against the author, though it was not sustained as *res judicata* against the successor, because he had been convened, and obtained a decret of absolvitor in that very process of reduction, (but founded on an error in fact;) yet the proof there led was found good evidence in this process, but prejudice to the defender to elide it.

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1744. June 26.

CREDITORS of AUCHINBRECK *against* The LADY AUCHINBRECK.

No. 12.

SIR JAMES CAMPBELL married his own servant, *i. e.* his childrens governess, and six months after the marriage provided her in a jointure of L.100 sterling, with a house and some lands, at which time, though he had an estate of L.10,000 scots per annum, yet his debts amounted to L.21,000 sterling, and there were infertments for L.86,000 scots, so that the year thereafter it was sequestrated. The Lady being infert in her jointure, a competition with the other creditors postponed arose, and the Lords restricted her jointure to L.50 sterling per annum, and sustained it to that extent.

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1744. November 14. SNODGRASS *against* CREDITORS of DAVID BEATT.

No. 13.

A DISPOSITION *omnium bonorum* to trustees for behoof of creditors, preferring them *pari passu*, whereof severals had not *parata executio*, yet not reducible at the instance of other creditors who had *parata executio*, but had used no diligence at all before the disposition, nor for a year thereafter.

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1744. November 30.

WILSON.

No. 14.

A DEED being reduced against an heir on the fraud of his predecessor, the heir found not liable in expenses of process, because he was *in bona fide*. *Vide* PERSONAL AND TRANSMISSIBLE.