

DECISIONS

OF THE

LORDS OF COUNCIL AND SESSION,

REPORTED BY

SIR JOHN NISBET OF DIRLETON.

1665. *December 12.* BURNET *against* LEYS.

THE said Mr Robert Burnet, son to Alexander Burnet of Leys, being provided, by his grandfather, Sir Thomas Burnet of Leys, (his father having deceased before,) to the sum of 10,000 merks, to be paid after his age of 25 years; with annualrent after that time, conform to a bond;—pursued his nephew Leys for the annualrent of that sum; at least for an aliment until he should attain to that age: upon that ground, that he could not starve; and that his grandfather, whom the defender represents as heir, having provided him, as said is, to the foresaid sum, to be paid at the time foresaid, did acknowledge that he was obliged to provide him, being his grandchild: and that until the time his provision should be payable, he and his heirs were liable to his entertainment, being *debitum naturale*.

The Lords this day did demur: and the case being of consequence, as to the preparative, thought fit it should be further thought upon.

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1665. *December 12.* FERGUSON *against* MORE.

[*See Morison's Dict. p. 2652.*]

IN the same case, two persons being obliged, conjunctly and severally, as principal debtors, to pay a tocher, without a clause of relief *pro rara*, it was found, that, *de jure, inest*.

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