

was a novation of the former security ; and ordained these writs to be produced before answer. *Vol. I. page 535.*

---

1692. *December 21.* HARY SINCLAIR of Carlourie *against* ALEXANDER FLETCHER of Aberlady.

HARY SINCLAIR of Carlourie, against Alexander Fletcher of Aberlady, who alleged his father was holden as confessed on a debt, as due by him to Hay, formerly of Aberlady, to whom he was truly owing nothing, and was minor ; and now his heir ought to be reponed against that decreet.

ANSWERED,—If he was alive, he would not oppose it ; but by his death he has lost the mean of his probation ; and to repone against that decreet is to discharge the debt.

The Lords found, if he had been within fourteen, he could not have been holden as confessed, not being obliged at that age to depone ; but he being then married, and near twenty years old, they could not remedy it ; and therefore sustained the decreet against this child, now his heir. *Vol. I. page 535.*

---

1692. *December 21.* The late BISHOP of DUMBLANE *against* BRUCE of Bordie.

THE late Bishop of Dumblane against Bruce of Bordie. The Lords found, that though the Bishop had reserved a power by the tack to resile and give over, yet Bordie had none ; and though *a paritate rationis* he should have the same liberty, he could not do it between terms ; and, therefore, ordained him to count to the Bishop for the quotes, till the Martinmas thereafter. *Vol. I. page 535.*

---

1692. *December 21.* CAMPBELL'S CREDITORS *against* ———.

IN a roup of some tenements within Burgh, at the instance of Mr. George Campbell's creditors ; the Lords thought the valuation too high, some of the houses being valued at twelve years' purchase : but they allowed the report, in respect of the creditors' consent, who it seemed, in case of not getting a buyer, intended to divide the houses among them, effering to their interests and sums. Wherein this question occurred to the Lords, how the division should be made, lots being the most equal way, and who should have the first choice ; whether they who had the greatest debt owing them, or the first diligence. And though they come all in *pari passu*, as having adjudged within year and day, yet the priority of the debts should rule the choices in this case. *Vol. I. page 535.*