

June 1664, *Scot against Falconer*. Then it came to be debated on whose peril the consigned money lay, whether on Lentush and Tolquhon, the consigners', or on Drum's; and who should lose the year's annualrent since the consignation.

*Vol. I. Page 738.*

1696. ROBERT BLAIKWOOD *against* SIR A. PURVES OF PURVESHALL and SIR WILLIAM PURVES'S REPRESENTATIVES.

1696. *July 8.*---MR Robert Blaikwood, merchant, against Sir A. Purves of Purveshall, for the Lady Ross's part of Sir William Fleming's executry, lying in Sir William Purves's hands. The defence for Sir William Purves's representatives was,---Their father had a decret of exoneration from the Lords, and, in obedience thereto, had paid in the Lady Ross's share, with the rest of her brothers' and sisters', to the Lord Ramsay, their father, and obtained his discharge.

ANSWERED,---By the decret the bonds are indeed to be delivered up to the Lord Ramsay; but, withal, there is also another provision, that the executors discharge for themselves, and with consent of their curators, such of them as are minors; whereas there is a plain antithesis and contradistinction in the executors of Wigton's family, where the Earl's discharge alone is declared sufficient for them all; and so the payment to the father was altogether unwarrantable *quoad* her part, she being forisfamiated and married, and the Lord Ross, her husband, called in the process, and she *sub ejus tutela et potestate*, and yet the discharge was not granted by him.

The Lords considered double payments were odious, and that there was a probable ground of mistake here in Sir William Purves, which might amount to a *bona fides*, and they had never insisted in his lifetime for ten or twelve years; therefore they desired to hear it farther in their own presence how far these circumstances could take off the unwarrantable payment. *Vol. I. Page 726.*

*December 2.*---The pursuit, Mr Robert Blaikwood against the Representatives of Sir William Purves, mentioned 8th July 1696, being heard in presence; after long arguing, the Lords sustained the payment made by Sir William to Lord Ramsay for his children, and his discharge thereupon; albeit Lord Ross, husband to one of the executors, was not a consenter to the discharge; seeing, by the decret, the bonds and money were both made payable to the Lord Ramsay. *Vol. I. Page 739.*

1698. *January 29.*---Mr Robert Blaikwood, merchant, having pursued Purves of that ilk, as representing his grandfather, for the share of Sir William Fleming's executry, which fell to Lady Jean Ramsay, Lady Ross, whereunto Mr Robert had acquired right,---and the Lords, having assoilyied Purveshall from the pursuit, (as mentioned 2d December 1696,) he protested this day for remeid of law to the Parliament.

*Vol. I. Page 818.*