

require their imprisoned Members, to be set at liberty, they may be detained in custody; nor is there any law or custom privileging commissioner's fees against the diligence of creditors; these not being contained in the act of sederunt 1613, which exeems only pensions granted by the King, and the salaries of his Ministers of State and seryants, and casus omissus habetur pro omisso.

THE LORDS found the arrestments unwarrantable, and ordained them to be loosed without caution or consignment.

Fol. Dic. v. 2. p. 77. Forbes, p. 155.

No 76.

1707. July 23.

SIR ALEXANDER WEDDERBURN of Blackness, *against* JAMES MANN late Bailie in Dundee.

JAMES MANN, son and apparent heir to Mann, who stood infest in some acres of land lying near the Ports of Dundee, having, in the year 1704, disponed these acres to Sir Alexander Wedderburn, with an assignation to that current year's rent; and Bailie Mann, as a creditor of the tenant's having poinded that whole crop out of his barn-yard, before the master's rent was satisfied; the LORDS found that Sir Alexander Wedderburn had *jus hypothecæ* for the year's rent, as his cedent the apparent heir would have had.

Fol. Dic. v. 2. p. 78. Forbes, p. 189.

No 77.

1709. January 27.

DICK and DUNBAR *against* PINKHILL.

A LADY having a liferent provision from her first husband, the same was challenged in a reduction by the first husband's creditors during her second marriage; which produced an agreement in this manner, That the Lady should be restricted to 800 merks, by way of a yearly alimentary annuity, excluding her husband's *jus mariti*, and that her discharge should be sufficient without her husband. The provision thus settled was found to be alimentary, and not to be attachable for her third husband's debts.

Fol. Dic. v. 2. p. 77. Fountainhall.

No 78.

*** This case is No 205. p. 5999, *voce* HUSBAND and WIFE.