

No. 7. 1786, July 15. EARL OF GLASGOW, &c. *against* VISCOUNT OF GARNOCK.

The Lords adhered to the Ordinary's interlocutor finding the estate of Garnock affectable with the creditors debts.

No. 8. 1737, June 28. BORTHWICK *against* TRADES MAIDEN HOSPITAL.

See Note of No. 2, *voce* FACULTY.

No. 9. 1739, Jan. 16. MR ARCHIBALD DENHOLM, &c. *against* DENHOLM.

14th December 1737,—The Lords found that the contracting personal debts on which no diligence followed against the estate did not irritate the heir of entail's right, but superseded the other point anent the adjudication on Sir William Baillie's relict's annuities (on a motion for the defender from the Bar) till they give in fuller memorials on that point.

22d December 1737,—The Lords found the irritancy incurred by suffering adjudications to be led for the arrears of Sir William Denholm's relict's jointure, *renit.* Justice-Clerk, Minto, Haining, Monzie, *et me.* This seems a hard decision. Some looked on this jointure as debts contracted by Sir Robert the heir, because they fell due in his time, and thought the subsequent clause anent Sir William's debts meant only his bonds and not this annuity though granted by himself. Others founded their opinion on the words in the first clause of the entail, "deeds of omission" which they reckoned the not paying the annuities. The Lords adhered 1st July 1738, and to this last interlocutor they adhered the 16th January 1739. (See No. 13.)

No. 10. 1789, Feb. 7. CREDITORS OF THE EARL OF BUCHAN, *Competing.*

The Lords found that the real creditors who affect the tailzied estate cannot now assign their debts to the personal creditors arresters in prejudice of Lord Cardross the heir of entail.

No. 11. 1739, Dec. 5. THOMAS M'DOWALL *against* B. M'DOWALL, &c.

See Note of No. 20, *voce* PRESCRIPTION.

No. 12. 1740, July 8. HEIRS OF ENTAIL OF SIR JAMES ROCHEAD *against* HIS EXECUTORS AND NEAREST OF KIN.

The Lords found that the conditions of Sir James Rothead's tailzie having become now impossible, and even ridiculous, could they be fulfilled, since it is reduced as to the heritable estate, therefore they found that it cannot subsist even as to the moveables except for payment of the debts and legacies mentioned in his settlements, and adhered twice, first on a bill for Mr Murray the trustee, and last on James Dalrymple's petition the 8th July.