of the House of Lords in the case Baillie against Denholm, (See No. 9 and No. 13.) The President and I thought it not effectual no more than infeftments containing all those clauses. But I doubted if it would be right for us now to judge of this, which could only serve to put the suitors to the expense of an appeal to have our judgment reversed. But the President said that was not certain. That the Peers are no more infallible than we, and often judge upon specialties, and therefore often enough vary in their cases. But the lawyers on neither side insisted for judgment, and therefore we gave none. (See DICT. No. 130, p. 15,600.)

No. 30. 1746, June 25. CASE OF OLIPHANT OF GASK.

OLIPHANT applied for registrating a tailzie of the estate of Gask, and the petition being by order intimated to the solicitors, they objected that the present Oliphant of Gask was attainted, and by the acts 1685, 1690, and 1715, cap. 20, the tailzie could not prejudge the Crown. But because the attainder was conditional, unless he surrendered before 12th July, we ordered it to be registrate.

No. 31. 1747, June 12. MRS MARGARET, &c. CAMPBELL, *against* A. CRAUFURD.

SKIRVANE by two settlements at eleven days distance from one another settled his land and personal estates upon his son, whom failing, his land estate to his bastard sons, and his personal estate to his heir-male. The son died, and his three daughters purchased the personal estate from the heir-male, and sue the heir of entail in the land-estate for relief of the debts, with which debts he by anxious clauses had burdened his land-estate, though he also burdened the other settlement of his personal estate with them likewise. It carried that there lies an action against the heir of entail to relieve them, *renit. tantum* Strichen, Dun, Kilkerran, (who was reporter) *et me.* But 17th February 1747 altered, and found no relief competent; and 12th June we adhered.

No. 32. 1747, Dec. 9. VISCOUNT GARNOCK *against* CREDITORS OF CRAUFURD.

IN 1708 John Lord Garnock by a minute of sale sold certain lands to Jordanhill at 19 years purchase and a feu-duty to be paid, and certain other lands to be thirled to a mill of Garnock's. Lord Garnock was heir of an entailed estate strictly limited; but as the entail was before 1685, and not recorded, so he did not insert the irritant and resolutive clauses in his own title to the estate; and his son Lord Patrick followed his example. However it was found in the last resort, that the heirs of entail could not sell lands for payment of debts affecting, or that might affect the estate; but the *bona fide* creditors were found safe notwithstanding the entail, and therefore this Lord Garnock got an act of Parliament enabling him to sell part of the estate for payment of debts, and sold *inter alia* the mill to which Jordanhill's lands were to be thirled. There never was any performance of the minute of sale on either part; yet Jordanhill being now broke, his creditors adjudged it, and inserted the lands in their summons of sale, hoping to make profit by an advance of price. Whereupon Lord Garnock pursued a reduction which was this