

be separate actually by a decret, innovating their nature, and turning them into a liquid debt.

THE LORDS found, That albeit the superiority carries the right of all casualties, which are not separate before the disposition of the superiority; yet the same may be separate, not only by a decret, but by an assignation intimate; and found the disposition of the superiority to the vassal himself to imply an assignation, which needed no intimation. (See IMPLIED ASSIGNATION.)

Fol. Dic. v. 1. p. 63. Stair, v. 2. p. 478.

No 35.

Intimation.

1492. June 22. MALCOLM DRUMMOND against MARGARET MUSCHET.

GIF ony creditour makes and constitutis ony persoun his cessioner and assignay to ony debt auctand to him, the said assignay aucht and fould make lauchful intimatioun of the said assignatioun to the debtour, utherwayis gif the said debtour happinis to pay the creditour, or ony utheris in his name, havand his richt and power before ony intimatioun maid to him, he onnawayis fould be compellit to mak ony payment to the said assignay be resoun of his assignation.

Balfour, p. 169.

No 36.
If no intimation, the debtor is safe to pay to the cedent.

1540. January 25. A. against B.

GIF the creditour makis and constitutis ane assignay and cessioner, to ony debt auctand to him, and makis intimatioun of the said assignatioun to the debtour, the said assignay is sufficient in all time cuming to seclude him fra all actioun that he had, or may have, agains the said debtour, albeit he that is assignay mak na intimatioun of the said assignatioun to the debtour.

Balfour, p. 170.

No 37.
The cedent is denuded, if he intimate himself, although the assignee do not intimate.

1558. July 4. DAVID M'GILL against JOHNE LAURESTOUN.

GIF ony man be maid assignay to ony actioun, assignatioun, or reversioun, and he agains quhome the said assignay is maid, befor ony intimatioun thair of lauchfullie maid unto him, compone, transact, or agrie with the maker thair of, touching the contentis of the said assignay, and obtene his discharge, richt, or titil thairanent, he may not be callit or perseuit be the said assignay, be vertue of his assignation; but *jure preventiois* is stoppit and secludit thairfra.

Balfour, p. 169.

No 38.
The cedent may, before intimation, transact or discharge a right assigned.