

1611. *January 22.* A. *against B.*

A BURGESS of Edinburgh may take an assignation to a debt owing to another burghess, and thereupon arrest his debtor, and cause ward him while he find caution to answer as law will.

If the janitor suffer a man to escape who was warded for debt, he will become debtor to the party at whose instance he was warded; but the debt must first be tried against the principal party, unless his warding proceed upon a decret; and if he who escaped die before payment, or his re-entry, the janitor will be debtor.

A stranger, who is addebted to a Scotsman, coming to this country, may be charged by an officer, at command of a Bailie, to enter in ward, while he find caution to answer as law will.

*Fol. Dic. v. 2. p. 78. Haddington, MS. v. 2. No 2107.*

No 41.  
A burghess of Edinburgh may take assignation to a debt owing to another burghess, and thereupon arrest the debtor, and cause ward him till he find caution.

1611. *July 20.* COCHRAN *against* GOURLAY.

A REVERSION being granted to a man and his heirs, his assignees can have no right thereto, although the reversion bear, that the giver receiving his money shall renounce in favour of the receiver, and his heirs and assignees.

*Fol. Dic. v. 2. p. 75. Haddington, MS. v. 2. No 2274.*

No 42.

1613. *July 28.* HAY *against* BANDONE.

SIR GEORGE HAY, assignee constituted by Peter Hay of Kirkland, to one Murray, made against Bandone, to remove from Courthill, pursuing removing, it was *alleged*, That he wanted a title and ground right, and that the warning could be no right to pursue without a real title. The pursuer *replied*, That the cedent of the warning and assignation having comprised the lands from Peter Hay, he had made judicial assignations of his comprising to the pursuer; which reply was found relevant, and process granted thereupon.

*Fol. Dic. v. 2. p. 78. Haddington, MS. v. 2. No 2549.*

No 43.

1622. *November.* EDMONDSTONE *against* KIRKCALDY.

EDMONDSTONE raised a double pouding against Christian Kirkcaldy, on the one part, and Alexander Barclay on the other, as double charged for the sum of 200 merks, which he was obliged to pay to the said Christian, for aliment of her and her bairns, for the terms of Lammas and Halloweven last by past. Alexander Barclay *alleged*, That he having arrested the sum by virtue of a bond of L. 400 made to him by Walter Adamson, spouse to Christian Kirk-

No 44.  
A bond for aliment to a wife, granted by a third party, does not fall under the husband's *jus mariti*, she not being