

the creditor, and these that were guilty of the escaping may pursue their colleagues for their relief.

*Page 248.*

---

1627. *January 14.* The HEIRS and EXECUTORS of the late JOHN HAY.

BOND moveable cannot be adjudicate.

*Page 15.*

---

1627. *January 16.* MR JOHN HAMILTOUNE *against* The LAIRD of KILBAITH-MONTH.

THE husband and his wife assign to a creditor the sum obliged by the wife's father to the cedent by contract of marriage, and thereby ordained it to be employed to the behoof of the two married persons and their heirs. The assignee charges for the tocher. The father, promitter of the tocher, suspends; alleging, that he ought not to make payment to the assignee; but first ought to have the conditions of the contract fulfilled. The Lords suspend the charge, and ordained the suspender to have the conditions of the contract fulfilled to him when he had made payment.

*Page 42.*

---

1627. *February 1.* SCOUGAL *against* CRAIGIE'S DEBTORS.

THE Lords preferred an assignation made by a bankrupt to a just creditor, *in meditatione fugæ*, to an arrestment made by the other creditors of that same debt, which was assigned; by reason the said assignation was intimated to the said creditors that same day of the arrestment.

*Page 12.*

---

1627. *February 2.* LEWIS SOMERVILL *against* The LAIRD of EDMONSTOUNE.

A REBEL denounced in December 1624, his gift of escheat is taken in August 1625:\* the donator thereby claims right to the haille farms, 1625.\* The Lords found he had only right to the Whitsunday term or half term, and the rest to be in the king's hand, while a new gift be obtained thereof.

*Page 62.*

\* 1635 in M.S.