

LORDS found, that the farms of the rebel's own labouring pertained to the donatar, by virtue of that same gift; and albeit the gift was given in August, yet that it extended to the whole farms of that crop which were in the rebel's hands in mansing, even as, if he had died in August, not being rebel, the same would have pertained to his executors. See TERMS LEGAL and CONVENTIONAL.

Act. *Hope.*

Alt. ———.

Clerk, *Gibson.**Fol. Dic. v. 1. p. 346. Durie, p. 267.*

No 9.

1642. February 10. MOWAT against KEITH.

MR ROGER MOWAT, and one Keith of ———, son-in-law to Jean Guthrie, having either of them arrested the prices of some victual, addebted to the Laird of Ludquhairn, and contending for preference, Mr Roger craves to be preferred, because he was both creditor to Ludquhairn, and donatar to his escheat.—THE LORDS found, he could not crave preference as donatar, because he was donatar only to his simple escheat, under which they found that nothing could be comprehended but moveables, which then, at the time of the gift, and a year thereafter, only should pertain to the rebel; and the victual now controverted was of a crop five or six years subsequent after the gift, and so that it could not pertain to the donatar of the rebel's simple escheat; and they respected not the tenor of the gift, which disponed expressly all the rebel's goods, which he should acquire at any time thereafter during his rebellion, and that he was still rebel, which was not respected.

Act. *present.*Alt. *Gilmore.**Fol. Dic. v. 1. p. 347. Durie, p. 892.*

No 10.

Found, that a gift of single escheat could extend no farther than to the moveables belonging to the rebel at the time of the gift, and a year thereafter.

1669. July 2. BOW against CAMPBELL.

Bow, stabler in Edinburgh, as assignee to a sum of money due by Glenurchy, and also as donatar to the escheat of his cedent, being called in a double poinding, and competing; the donatar *alleged* he ought to be preferred to the arrester, because the debt in question falling in his cedent's escheat, he had taken the gift of the escheat, bearing expressly all goods the rebel had or should acquire, and this debt being acquired after the gift, did accresce to him, the rebel not being yet relaxed. It was *answered*, That though the stile of the gift bear all goods to be acquired, yet that is always interpreted such as happen to be acquired within year and day after the horning. It was *answered* for the donatar, That he opposes the tenor of his gift; and if any limitation could be there-

No 11.

Gifts of escheat, bearing all goods to be acquired, extend only to goods acquired within year and day of the gift.