

is equivalent as if the same had been expressed in the gift. The Lords found, That the king's donatar was not liable to the payment of the bastard's debts or legacies, unless the same were so conceived in the gift, or the donatar had given back-bond to do the same. But, in regard that this was a pious legacy, they would inquire what was the Treasurer's meaning and custom of the Exchequer in such cases.

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1664. *November 17.* The TREASURER of PAUL'S WORK *against* HARY HOPE'S DEBTORS.

HARY Hope being debtor to Paul's Work in the sum of £200, and he being fugitive for debt, there were arrestments raised in the hands of several of his debtors, at the instance of the treasurer of Paul's Work. The summons being called, there was compearance made for Mr John Harper, who had got a disposition from Hary Hope, for onerous causes, of the sums craved to be made forthcoming. It was alleged for the arrester, That the disposition fell under the statute of divorce, being *omnium bonorum*; and to a confident person, his own brother-in-law; to whom he could not make a voluntary payment, in prejudice of his lawful creditors, after having charged the debtor with horning. To which it was answered by the assignee, That his assignation was for true and onerous causes, and that he was willing to depon thereupon. The Lords, before answer, ordained Mr John Harper to produce such writs as he had, and bond granted by Hary Hope to him, for instructing the cause onerous of the disposition granted to him.

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1664. *November 18.* WALTER GUTHRIE *against* SHAW of SORNBEGG.

In competition of two rights of wadset of the lands of Threelandhill, betwixt Walter Guthrie and Shaw of Sornbegg, the Lords found that Scot's wadset, assigned to Sornbegg, was extinct by his intromissions, and therefore preferred Guthrie to the possession of the lands and tenements for his 5000 merks; and ordained him to be countable, for the superplus more than the annualrent of his money, to Sornbegg, without prejudice to him or any other right he had, conform to his contract of wadset.

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1664. *November 19.* WILLIAM MOFFET and his SPOUSE *against* ROBERT KER, her Son.

WILLIAM Moffet and his spouse, as creditors to umquhile Sir James Ker of Creillinhall, in the sum of 2000 merks, pursues Robert Ker, his son, as