

1737. *February 25.* CRAMOND *against* BAIN and HENRY.

No. 5.

A DISPOSITION *omnium bonorum* to a creditor in payment of his debt, though really within the value of his debt, reduced *ad effectum* to bring in the whole creditors *pari passu*, albeit they could not subsume in terms either of the act 1621 or 1696.

1737. *June 21.*

CREDITORS of MAXWELL of Newlaw *against* GRISEL GRIERSON.

No. 6.

A DISPOSITION to an heir of provision, (the eldest son of a second marriage, who by the granter's contract of marriage was to succeed to the lands,) with a reserved power to the father to alter or burden, is not reducible on the act 1621; and therefore a liferent infestment given by that son to his wife preferred to the father's creditors. *Vide* Lord Torphichen's Case, No. 1. *supra*.

1737. *June 29.* CREDITORS of ROSEBERRY *against* GEDDES.

No. 7.

ARRESTMENT is relevant to reduce a subsequent disposition to trustees for the behalf of creditors on the act 1621, *quoad* the subject arrested.

1737. *November 8.*

COLONEL GAY, and other CREDITORS of COLONEL URQUHART, *against*
His RELICT.

No. 8.

COLONEL URQUHART having in June 1720 purchased the lands of Arboll of 1300 merks rent by a minute of sale, which was afterwards cancelled, at least did not appear, he in December that year, after he was quite insolvent through the fall of the stocks, took the lands to his lady in liferent, (who had got no former provision,) and to his son in fee; and the creditors having raised reduction on the act 1621, the Lord Ordinary sustained the Lady's liferent as being a rational provision, she not being otherwise provided, but found that the son could have no preference on his right of fee in prejudice of lawful creditors; and the Lords at first simply adhered; and then it seemed to be the opinion of the majority, that a hus-