

## EJECTION.

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1739. *June 12.—July 13.* PRINGLE *against* EARL HOME.

EJECTION executed next day after a decret of removing given by the Sheriff, and without any preceding charge on the decret, sustained.

No. 1.

See NOTES.

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## ESCHEAT.

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1739. *January 13.*

CREDITORS of Sir DAVID BAIRD *against* Mrs. ERSKINE.

A CREDITOR getting a gift of single and liferent escheat, fallen on his own diligence, under backbond in Exchequer in common form to denude after payment in favour of the other creditors; the Lords thought he would be liable for dole *et culpa lata*, but not for *culpa levis* or *levissima*, in doing diligence for recovering the effects; but waved deciding the abstract point of law, and ordered enquiry to be made what diligence had been used, which was indeed very little; but upon the report found no such negligence as to make the donator liable for the arrears of rent resting. *Vide* the report of the diligence in the printed papers.

No. 1.