

## C O L L U S I O N .

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1616. *February 7.* DR KINLOCH *against* HALIBURTON of Pitcur.

IN an action betwixt Dr Kinloch and James Haliburton of Pitcur, anent the pointing of three oxen, pertaining to one Thomas White, in whose hands the oxen were arrested as pertaining to Thomas's brother; ought to be compelled to make the said oxen forthcoming, notwithstanding the pointing thereof by the Laird of Pitcur; and that, because it was offered to be proven, that the said David had voluntarily exhibited the said oxen, and delivered the same to George Jackson, servitor to the Laird of Pitcur.

The like decided before, betwixt George Ord and Robert Blackadder, defenders, and James Wright pursuer.

*Fol. Dic. v. 1. p. 153. Kerse, MS. Fol. 234.*

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1620. *November 15.* WARDLAW *against* DALZIEL.

COMPRISING impugned by way of exception *quod dolo*. The party was brought into the country to the effect it may be led upon fifteen days warning, and prejudge a third party who had denounced of before upon sixty days.

*Fol. Dic. v. 1. p. 153. Kerse, MS. Fol. 66,*

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1628. *November 28.* BORTHWICK *against* CLERK.

IN an action of removing by a compriser against another compriser, who had both comprised the lands of the common debtor, and the pursuer having first comprised, and being first infett, the defender having denounced before the pursuer, after which denunciation, the common debtor having raised suspension of the charge and denunciation, during the dependance whereof the pursuer expedite and intended his comprising; and this suspension being discussed against the suspender, which was alleged by the defender in this removing, to have been procured by this pursuer, by his travel and expenses, and by his

**No 1.**

In a competition betwixt a pointer and arrester, the latter was preferred, because the party in whose hands the arrestment was laid, had voluntarily exhibited and delivered the goods to the pointer's servant.

**No 2.**

**No 3.**  
A party having denounced, in order to comprise, and the debtor suspending, the denouncer was preferred to another, who denounced, and completed his