

virtue of a decret obtained before the Dean of Guild, before his assignation, desired to come in with him *pari passu*, as being equal in diligence. The Lords preferred the assignee, in respect that the sums being small, and in sundry hands, he used intimation to some of them a day before the arrestment; and to the rest the day following the arrestment, wherethrough they thought his diligence greatest.

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1627. *February 2.*

A DONATOR to a simple escheat hath right to no more than appertaineth to the rebel the time of his gift: And now the treasurer useth to cancel that clause in all gifts, (with all that ever they shall acquire during the rebellion,) so that the King may gift the simple escheat many times and to many persons, till such time as he lie year and day at the horn; after which all falleth under his liferent escheat.

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1627. *February 9.*      BISSET *against* FORBES.

IN an action of registration, pursued by Bisset against Forbes, as son and heir to his umquhile father, at least lawfully charged to enter heir, at least successor to his father's lands and heritages, *titulo lucrativo*, at least who hath behaved himself as heir to his father, by intromission with his heirship-goods and gear;—it was alleged, No process till summons were continued. Replied, Not necessary; because he insisted first upon that alternative, as lawfully charged to enter heir, which he verified by writ. Duplied, Let him pass then from the rest. After he had refused to do that, then the defender offered to renounce. Triplied by the pursuer, He could not, because he offered him to prove, that he had behaved himself as heir. Then the defender said, he behoved to continue his summons, that being one of his alternatives. The pursuer contended, he needed not, because he alleged it only by way of reply: yet it was found he should continue.

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1627. *February 10.*      WILLIAM DOUGLAS of Blaikerston *against* The TENANTS of COLDINGHAM.

WILLIAM Douglas of Blaikerston, as donator to the liferent-escheat of John Stuart, and having obtained general declarator thereupon, intended a removing against the tenants of Coldingham, (which is in effect a special declarator,) having produced only the general declarator to instruct his interest. It was al-