

I, with the privilege of the customs of a certain bounds, within which three or four other royal burghs are erected, they pursued reduction, improbation, and declarator against Burntisland and others of these towns; and the defenders having made a production, the pursuers craved certification *contra non producta*. The Lords refused to grant certification; but ordained the pursuers to insist in their declarator.

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1687. December 17. MOIR *against* MOIR.

A BROTHER being pursued on his bond of 1000 merks, due to his sister, his defence was, That, after the bond, he obliged himself, in her contract of marriage, for a greater sum; and *debitor non præsumitur donare*. Which defence the Lords found relevant.

Page 49, No. 216.

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1688. January. DR GAIRN *against* TOSCHOCH of MONIVAIRD.

ARRESTMENT of goods in the debtor's own possession found to affect, and to be a *nexus realis*, as well as if it had been in the hands of a third party.

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1688. January. CLELAND and PATERSON *against* WILLIAM WILSON.

ONE having appraised lands, after expiring of the legal of a former appraising thereof for the same sums; the first appraising was alleged to have been passed from, in so far as the second was an innovation, at least that the legal of the first was current; just as if, after expiring of the legal, a creditor should receive annualrent of the sums appraised for. Answered, The second appraising was but a corroboration of the first; and, as a wadsetter might [use] requisition and appraise, and yet recur to his wadset, so here the first appraising is not prejudged by the second. The Lords found the first appraising had a current legal, and did not sustain accumulation of annualrents till after the second appraising. *Vide* No. 334, [Lord Yester *against* Lord Lauderdale, February, 1688.]

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1688. January. COLVILL *against* WILLIAM HALLY.

IN a reduction of an appraising, upon this reason, That, though the bond which was the ground thereof, was payable the next term after the mother's death or the daughter's marriage, the charge was given, and the appraising led, before the