

1691. *July 8.* In the Ranking of the CREDITORS of COCKBURN of LANGTOUN,

FOUND, That a citation in a pointing of the ground against the heritor and tenants, *declaratorie*, before the first term of payment of annualrent, when no more diligence could be used, is preferable to any posterior public infestment intervening before the said first term; but that such a citation will not prefer in prejudice of these, if the annualrenter do not exact diligence to obtain payment, immediately after elapsing of the said first term.—*July 8, 1691:* And yet confirmation or declarator was competent before the first term; and a bare citation may be dangerous.

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1691. *July 24.* ANDREW BRUCE *against* The CREDITORS of COCKBURN of LANGTOUN.

FOUND, That the tenants of Langtoun, compearing in the baron court before the term of payment, and enacting themselves to pay the annualrent yearly, did not clothe a base infestment; but that payment of 40,000 merks, and the annualrent thereof, as a part of 80,000 merks, contained in a base infestment of annualrent, with the creditor's renunciation, clothed the remaining 40,000 merks.

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1691. *July 24.* SIR THOMAS MONCRIEF *against* The CREDITORS of COCKBURN of LANGTOUN.

FOUND, That young Langtoun the fiar's consenting with his father, was as good as if he had been the principal disponer; and that the price of Borthwick being applied to the payment of debts due by the father and son, the disposition was valid, except in so far as it prejudged any creditor who had done prior diligence, providing the Langtouns were not bankrupt the time of the disposition.

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1691 or 1692. MR JOHN MONTGOMERY's Case for Horning, and ALEXANDER MURRAY's for Inhibition; in the Ranking of the CREDITORS of COCKBURN of LANGTOUN.

FOUND, That horning execute against an *obæratu*s debtor, against whom several diligences were inchoated, did hinder him to gratify by voluntary rights in corroboration of former debts; albeit the debtor did not appear altogether insolvent, nor proved insolvent in the event: and the execution of an inhibition was found