

1694. *February 2.* CHARLES MACKEUEN *against* COLIN CAMPBELL, Sheriff-Clerk of Argylshire.

THE Lords found, where one had made two dispositions, he who had the second, could not reduce the first on the Act of Parliament 1621 ; alleging that he was preferable, being a stranger, and the first was *inter conjunctas personas*, and so presumed to be without an onerous cause, unless it were *aliunde* proven than by the narrative of the disposition ; seeing the first could not be said to be done in defraud of the second right, which was not then in being, and the Act of Parliament is only competent to an anterior, and not to a posterior creditor. And the decisions, 12th *February* 1669, *Pot* ; 2d *July* 1673, *Street* ; 4th *December* 1673, *Ried* ; and 24th *January* 1677, *Blair*,—were in the case of fraud, simulation, and latency : which could not be so qualified here.

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1694. *February 3.* JOHN MAITLAND *against* SIR ROBERT MILN, and SIR GEORGE HAMILTON of BARNTON.

IN the *cessio bonorum* pursued by John Maitland against Sir Robert Miln, and Sir George Hamilton of Barnton ; after the Lords had advised his oath, and were liberating him, the pursuers offered to aliment him. The Lords refused their offer :—*1mo.* Because it should have been proponed at the litiscontestation. But of this many doubted. *2do.* That it did not appear he had made any fraudulent conveyances, and all the dispositions he had given were only to thir pursuers themselves ; and in Murray of Keilor's case, and some others, the Lords admitted the offer of alimenter only for a time, till they could discover what rights and conveyances the bankrupt had made to his creditors' prejudice.

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1682, 1683, 1684, 1688, and 1694. The MARQUIS of QUEENSBERRY, and Others, Creditors of DOUGLAS of MONSUAL or MOUSWELL, *against* MRS ELIZABETH DOUGLAS and the CHILDREN, &c.

1682. *December 20.*—THE Marquis of Queensberry, Treasurer, and the other creditors of Douglas of Monsual, their reduction against the children of Monsual, and Mrs Currier, was this day advised.—The Lords reduced and loosed their own decret *in foro*, dated the ————— day of December 1679, preferring the children, after a most solemn and contentious debate ; and turned it to a libel : because the probation was disconform, and not applicable to the interlocutory terms in the act of litiscontestation ; which bore, That it was found relevant for the children to prove that their father had a sufficient visible estate standing in his person, the time of his granting their bond of provision ; whereas the probation run only upon an estate, which both their father, the son, and his father, the children's goodsire, had betwixt them ; and that not so much at the