

No 211. "THE LORDS found, That the qualifications above-mentioned did sufficiently prove, that the blank assignation was purchased by money borrowed from Milncraig on Charteris, Irving, and Reid's bond, and that therefore the blank translation did belong to the said three obligants; and found no document or ground to presume that Irving or Reid did receive any relief or satisfaction for their becoming bound in Milncraig's bond, and therefore declared."

*Fol. Dic. v. 2. p. 152. Dalrymple, No 114. p. 158.*

\* \* Bruce's report of this case is No 16. p. 1671, *voce* BLANK WRIT.

No 212.

1728. December 7. CAMPBELL *against* COCKBURN.

THE question occurred about a bill accepted by two debtors, retired with a blank indorsation, and found in the custody of one of them, whether this possession did not imply that the money was paid by him alone, so as to found an action of relief against the other, or whether the presumption must run, that both contributed equally to the discharge, since it did not relate to either in particular? The last presumption was sustained. *See* APPENDIX.

*Fol. Dic. v. 2. p. 152.*

No 213.

1731. January 29. GORDON of Gartie *against* SUTHERLAND of Kinminnity.

AN heir of entail having, after the decease of the maker of entail, borrowed money, and having also paid the defunct's debts, the LORDS presumed, that the debts were paid out of the borrowed money, and therefore found, that the borrowed money was a burden upon the entailed estate. Against this a contrary presumption was *urged*, That if the money had been advanced to pay the tailzier's debts, the creditor would not have failed to take an assignation to these debts for his security, which he not having done, the presumption ought to lie against him. *See* APPENDIX.

*Fol. Dic. v. 2. p. 152.*

1758. February 14. MAGNEIL *against* LIVINGSTON.

No 214.

A WIFE, who had a small separate fund of her own, exclusive of her husband's *jus mariti*, having, by a trustee for her behoof, purchased in debts affecting her husband's estate; "the LORDS found, That the presumption was, that