1629. *January 27.* JOHN LAWSON *against* ANNA LAWSON.

ANNA Lawson, relict of Alexander Lawson, citizen of London, having recovered decreet against Bartholomew Kello of £14 sterling; John Lawson, pretending right to the same sum, and being to intent action for it, gave in a bill to the Lords, desiring that the procurator constituted for Anna Lawson for pursuing of the former debt, might find caution, both to make the said sum forthcoming to him, if he should obtain decreet thereupon, and likewise that Anna Lawson (although she was a stranger, *et alterius fori,*) might be obliged to answer to his pursuit before the Lords. Which desire in both heads the Lords thought reasonable.

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1629. *January* 29. ROBERT HAMILTON of STRAVITHIE, Petitioner.

ROBERT Hamilton of Stravithie having comprised the lands of Kinkell, to be holden of Sir Thomas Hope of Craighall, superior thereof: Afterwards he found that Craighall was denuded of the superiority before his comprising; and therefore, lest his comprising should be null and ineffectual, he gave in a supplication to the Lords, craving, that, by their warrant, he might have letters to charge the Bishop of St Andrew's, next immediate superior of these lands, to infeft him therein, as if he had comprised them in the beginning to be holden of the Bishop. Which the Lords granted.

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1629. *January* 30. ROBERT BALCANQUAL *against* ROBERT DAVIDSON.

MR Robert Balcanqual, to whom Alexander Mauchan was addebted in 1000 pounds, and Robert Davidson, another creditor of Alexander's, did strive which of them should be preferred in payment of 1000 merks, owing by my Lord Napier to Alexander, their common debtor. Alleged by Mr Robert, That he was made assignee to that 1000 merks by Alexander, 4th October 1628; likeas he had raised summons against my Lord Napier for payment of the same to him. Alleged, by Robert Davidson, That he ought to be preferred, because he had arrested upon the same 4th October, an hour at least before the making of the assignation: Likeas he raised summons to make the arrested goods forthcoming before Mr Robert, and had continued his summons before the day of compearance in Mr Robert's first summons. Further, the day of payment, contained in his bond, was past, Mr Robert's term not being yet come till Whitsunday 1629; so that he, being prior in term of payment, and anterior in diligence, ought to be preferred. Lastly, No respect ought to be had to the assignation which was made in prejudice of his arrestment; because, at the