

verity thereof to the oaths of the persons subscribers of the bond, who, being out of the country, the pursuer offered to find caution to restore the sum contained in the bond, in case the party reduce the same at any time thereafter, and to warrant the party who had the arrested goods in his hands, who was pursued to make the same forthcoming, at the hands of all other creditors. Which the Lords sustained.

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1629. *January 20.*      *ROSS against MR GEORGE BUTLER.*

IF a party be pursued by the donatar of a rebel's escheat, to make payment of a debt owing to the rebel, and the party alleges, that the rebel was owing to him as much, or any part, and desires that he might have retention or compensation allowed to him;—the Lords will not allow compensation in prejudice of the king and his donatar.

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1629. *January 21.*      *SWAN against RUNSIE.*

IF a suspension be produced, and the party refuse to dispute, the Lords can do no more but suspend until the charges be produced. Yet, in this case, they modify expenses.

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1629. *January 27.*      *ROBERT KERR against MR ALEXANDER HAMILTOUNE of KINGLASS.*

A DISPOSITION of certain lands, and of all goods, gear, and insight plenishing, *omnium bonorum*, for onerous causes, prior to a comprising of the person's liferent who made the disposition; by virtue of which disposition, she to whom it was made disposes her right to another person, who enters to the possession of the roun comprised before any warning was made by the comprising: the said disposition was preferred to the comprising.

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1629. *January 29.*      *NESBET against HUME.*

A DECREE, obtained at the instance of an apparent heir, against executors