

1712. February 18.

The LORD ELIBANK *against* ELIZABETH ADAMSON and EDWARD CALLENDER
her Husband.

IN the competition betwixt the Lord Elibank and Elizabeth Adamson, and her Husband, the LORDS found, that an uncle and nephew in law are not conjunct persons in the sense of the act of Parliament 1621, concerning bankrupts; because an uncle and nephew by affinity, are not hindered to judge in one another's cause, act 13. Parl. 3. Ch. II.

Fol. Dic. v. 2. p. 254. Forbes, p. 586.

No 462.

1712. June 18.

SEOT *against* KER.

A DISPOSITION from one to his brother-in-law, bearing onerous causes, was found reducible at the instance of the disponent's creditors, unless the disponent would either instruct an antecedent onerous cause, or condescend upon an estate in the disponent's person, free of incumbrances, able to answer all the debts.

Fol. Dic. v. 2. p. 253. Fountainhall.

No 463.

* * * This case is No 34. p. 2715, *voce* COMPETENT.

1714. June 8.

PATRICK M'DOWAL of Freugh *against* WILLIAM FULLERTON of that ilk and his Tutor.

ROBERT FULLERTON of Craighall, having granted an heritable bond for 2000 merks, in the year 1685, to William Fullerton his brother, upon which he was infest in the year 1691, William, 4th February 1702, granted a bond for the like sum of 2000 merks, to Patrick M'Dowal of Freugh, containing an assignation and disposition to the foresaid heritable bond and infestment, in security thereof, but without precept of sasine, and procuratory of resignation; and 1st June 1706, the said Patrick M'Dowal procured from the said William Fullerton, a new bond, corroborating the former bond and assignation, with a precept of sasine, whereupon he was infest the 22d of the said month. Robert Fullerton disposed his lands of Craighall to the said William Fullerton, 3d June 1702, and the foresaid sum of 2000 merks was allowed out of the price, and expressly discharged.

William Fullerton of that ilk, acquired right by progress to two heritable bonds, granted by his authors to the said William Fullerton of Craighall, and clothed with infestment *anno* 1704, whereof one was for 5700 merks, and the other for L. 1623:13:4d.

No 464.

Found in a reduction upon the act 1621, that a cousin german was not a conjunct person.