

*JUS TERTII.*1749. *February 17.*MR ROBERT BLACKWOOD *against* The CREDITORS of SIR GEORGE HAMILTON.

No. 1.

IN the case mentioned, *voce* RANKING, Blackwood against the Earl of Sutherland and Others, Blackwood's interest was an infestment of relief by Sir George Hamilton to his son-in-law, Fleeming of Farm, out of whose estate some of the debts were paid, whereof Sir George was to relieve him, and Blackwood being creditor to both by their joint bonds, got assignments to certain debts, some whereof, with Sir George's consent, he had transacted or gave up without getting the full value, and he had adjudged Farm's heritable bond of relief on Sir George's estate. The other creditors therefore objected that he could not recover his payment out of Farm's estate without retrocessing him to those debts assigned for his security, which he could not now do. But the Court found that objection not competent to the creditors of Sir George, who were not also creditors of Farm; and found Farm's heritable bond and infestment of relief did not fall under the act 1621. *Vide inter eosdem voce* INHIBITION & *voce* ADJUDICATION.

See NOTES.