

S E C T. XV.

Bankruptcy, how Proponable.

1663. *June 19.* GEORGE REID *against* THOMAS HARPER.

THESE parties competing in a double poinding, George Reid craved preference because he was assigned to the mails and duties by Thomas Mudie, heritor of the land.—Thomas Harper *alleged*, That he had arrested the duties upon a debt owing to him by William Mudie, father to the said Thomas, and any right Thomas had was fraudulent and null by exception, by the express words of the act of Parliament 1621, being betwixt father and son, without any onerous cause, and he ought not to be put to reduce *in re minima*, his debt being within L. 100.

THE LORDS found he behoved to reduce, conform to their constant custom in heritable rights.

Fol. Dic. v. 1. p. 172. Stair, v. 1. p. 192.

No 65.
A right by infestment, granted contrary to the act of Parliament 1621, cannot be challenged by exception, but by reduction.

1664. *July 22.* LORD LOURE *against* LADY CRAIG.

LORD LOURE being infest in the estate of Craig, pursues for mails and duties. Compearance is made for the Lady Craig, liferenter, who *alleges* she stands infest, and in possession of the lands.—The pursuer *answered*, That any infestment, as to that part thereof that was not for fulfilling of the contract of marriage, was fraudulent, and in prejudice of lawful creditors, and so null by exception, conform to the act of Parliament 1621.—It was *answered* for the Lady, They opposed the Lords' daily practice ever since the said act, that infestments were never taken away thereupon by exception or reply.

Which the LORDS found relevant.

Fol. Dic. v. 1. p. 172. Stair, v. 1. p. 222.

No 66.
Found as above.

1669. *January 5.* ISOBEL and MARGARET SIMES *against* MARION BROWN.

By contract of marriage betwixt umquhile Thomas Sime and Marion Brown, John Flowan, Marion's master, is obliged to pay 300 merks of tocher, and Thomas Sime is obliged to employ the said 300 merks, and 200 merks further for the said Marion, her liferent use. The said Thomas having two daughters,

No 67.
Though deeds, done in defraud of creditors, against the act 1621, re-