

though he was posterior in arresting, yet he had prevened the other in diligence, and was pursuing to make forthcoming; whereas Crawford had done nothing on his arrestment.

REPLIED, that, beside his arrestment, he had also an assignation to the same sum from the creditor in it, who was their common debtor, and that he conjoined his two titles. (*Infra No. 492, § 6.*) [July, 1676.]

DUPLIED, his assignation was of no value, being after the arrestment laid on by the duplier; and two imperfect and invalid titles could never be joined in prejudice of him who had a right, and had done diligence, preferable to any of them *separatim*.

The Lords preferred him who had the two titles, though apart they were lame, *ut quæ non prosunt singula, multa juvant*.

Many doubt if this was well decided, seeing as M<sup>r</sup>K. in his pleadings, page 61, has it, weak arguments conjoined can, by their mutual assistance, never astruct a right, no more than many cyphers can make a number, or many uncertainties a certainty. (Yet many beams of light may make a perfect light.) *Omnino, vide Taylor in his Ductor Dubitantium, lib. 1, cap. 4, p. 91.*

*Facit lex unica, C. Qui numero tutelarum se excusant, l. 15, par. 11, D. De excusationibus tutorum. Vide tamen, l. 5 et 6, C. de probationibus; from which commentators infer the conjunction of divers sorts of probation. Vide Vinnium Selectarum Quæst. 44; L. 28, p. 3, D. ex quibus causis majores; l. 27, C. de testamentis, cap. 13, extra, De probationibus; cap. ultimo, extra, De successionibus ab intestato.*

*Advocates' MS. No. 399, folio 217.*

1673. June.

ANENT CERTIFICATIONS.

IN certifications, it is undoubtedly a good defence, that the writs craved to be produced, either in a reduction or improbation, are in the pursuer's own hands; and Hadington shows that it was so found in an improbation pursued by the Laird of Corstorphin against the Old Lady Corstorphin, at the 16th of December, 1609, No. 80.

*Advocates' MS. No. 401, folio 218.*

1673. June. MARGARET HOME *against* MARGARET SMITH.

IN an action of reduction pursued by one Margaret Home against one Margaret Smith, for reducing of a disposition of some lands in Dunce made to the defender, this reason was mainly insisted on, That the said disposition was, by act of Parliament in 1621, null, being made to a conjunct person, (*videlicet*, to the granter's sister-in-law, whom the common law æquiparats to brothers and sisters in this case,) without any onerous cause, in defraud of lawful creditors and their diligences. *Vide l. 27, C. De Donationibus.*