by the back-bond in favour of the creditors, Mr George having no benefit by it but his own satisfaction; and all being but light presumptions, *præsumptio cedit veritati*, Mr George is content to depone that the gift is not to the rebel's behoof, but for satisfaction of debts to himself and several others of William's creditors, at whose desire he took the same. No 265.

The Lords found the back-bond to the Exchequer, and the oath of the donatar, sufficient to elide the presumption of simulation.

Fol. Dic. v. 2 *p.* 155. *Stair, v.* 2. *p.* 239.

1676. *December* 20. Veitch *against* Pallat.

No 266.

The Lords found, that a rebel contracting debt after rebellion cannot assign in satisfaction of the same any debt due to him; and though the assignee should transact with the debtor of the debt assigned, before a gift and declarator, the donatar will be preferable. *In præsentia.*

For Veitch, *Lockhart and Hog.* Alt. *Cuningham and Seaton.* Clerk, *Gibson.*

And in the same case it was found, that a bond granted after horning, though it did bear that the same was for wines, yet being the rebel's assertion, could not prejudge the King. But it being *alleged*, and offered to be proved, that the said wines were truly furnished before the rebellion, the Lords found the allegeance relevant to be proved only by the rebel's account-books and by books of entry, and not simply by witnesses, without such adminicles in writ.

The Lords likewise found, that the presumption introduced by the act of Parliament, that gifts of escheat are simulate, in respect that the rebel is suffered to possess, is only in that case where the rebel has a visible and considerable estate of lands or tacks, and is in possession of the same: But when the rebel's estate is either not considerable, consisting only of an acre or two, (which was the case in question) or *in nominibus*, and not known to the donatar, so that the donatar had reason not to trouble himself, and to look after either that which was inconsidereble, or which was not known to him, there is no ground to presume that the gift is simulate.

Fol. Dic. v. 2. *p.* 157. *Dirleton, Nos* 409, 410, & 411. *p.* 201.

*** Stair's report of this case is No 91. p. 2874. *voce* Competition.

1707. *June* 10. Sheirers *against* Murray and Dalgleish.

No 267.
In a reduction of a gift of life-rent-escheat, it was found no sin

Mary and Sophia Sheirers being infeft upon a disposition from Andrew Sheirer, their brother, in some houses lying in Hackerston's wynd, pursue the