

COMPETITION.

1733. *February 14.*

M'GILL of Rankeillor *against* REAL CREDITORS of HAY of Naughton.

No. 1.

COMPETITION betwixt arrestments and infestment of annualrent, though such infestments will not exclude *bona fide* payments made by tenants to the heritor, when the annualrenters have done no diligence to interpel them, yet while the rents are in the tenants' hands, the infestments without diligence are preferable to all assignees conventional or legal by arrestment. *Vide* 28th November 1748, Creditors of Sir John Douglas, *voce* ANNUALRENT.

1736. *December 1.* CREDITORS of SIR JAMES DUNBAR.

No. 2.

THOUGH a disposition directly to creditors or to trustees for their behoof may prefer the creditors *pari passu* without respect to after diligence, yet a disposition to one with the burden of debts, or for payment of debts, has not that effect, but they are preferable according to their diligence.

1737. *July 15.* BELL of Blackethouse *against* JOHN GARTHSHORE.

No. 3.

THE first complete real right is preferred to a prior personal conveyance of a personal right. Oliphant purchased a house at a judicial roup, and without being infest sold it to one Chatto, who was erroneously infest on Oliphant's disposition. Chatto gave an heritable security in it to Bell of