

13398

RECOGNITION.

No 27.

1738. January 4. NISBET *against* BAILLIE.

A GIFT of recognition obtained for the behoof of the ward-vassal's heir, was found ineffectual against a real creditor of the ward vassal, whose debt was prior to the ground of the recognition, in regard the recognition appeared to have been incurred frauduently, of set purpose and contrivance to disappoint that creditor, although no fraud appeared upon the part of the superior, who made the gift.

*Kilkerran, (RECOGNITION.) No 1. p. 477.*

Effect of *novodamus*, confirmation, resignation, to bar recognition; See IMPLIED DISCHARGE.

Feu in what cases it bars recognition; See FEU.

See APPENDIX.