

D I S C H A R G E.

SECT. I.

Discharge of one *Correus* how far it operates in favour of others.

1533. *March 14.*

PATRICK MURE of Arnotstown *against* JOHN SOMERVILLE of Cambusnethan.

ANE spulzie of gudis and geir beand committit be divers and sindrie persounis, gif he againis quhom the samin is committit, his airs or successouris, or ony utheris in thair name, havand thair power thairto, quyte claime, and discharge ony ane persoun committar thairto, ather principal or complices, for ony cause properlie pertening to him who is dischargit, or for ony uther cause, all and hail the remanent persounis, committaris of the samen spulzie, on na wayis may be callit or persewit in ony time cuming thairfor.

No 1.
The pursuer of a spulzie discharging either the principal actor, or any of the accomplices, was found to liberate all the rest.

. The like decided, 25th June 1554, Kinfauns *against* John Barclay and Others. *See* No 3. p. 3556. *See* SPULZIE.

Fol. Dic. v. 1. p. 244. Balfour, (SPULZIE) No 31. p. 473.

1583. *June.*

LAIRD of GAIRNE *against* LAIRD of GUTHRIE.

THE Laird of Gairne, or some of his tenants, persewit the Laird of Guthrie for the spoliation of certain goods and geir. It was *answerit*, That the persewar had transactit with ane Ferguson, ane hielandman, and so the action was entirelie takin away. To this was *answerit*, That this Ferguson was not ane persewit be Gairne, nor conteinit in the summons, and therefore, except he had been *correus*, the allegeance aucht not to be admittit, *et hoc arg. L. 1. C. de transact.*

No 2.
Found as above.