

PRIVILEGED DEBT.

1627. *March 27.*CRANSTON *against* HOME.

IN the action of double pointing, raised at the instance of Alexander Cranston of Morieston, wherein compeared John Home of Renton, on the one part, alleging that he should be paid and answered, of the sum of 1000lb., whilk the said Alexander, suspender, band himself to pay to the said John Home, for the alimant of Anna Hume, Lady of Earl Nisbet; and certain creditors of the laird of earl Nisbet, on the other side, craving to be preferred to the said John Home, as he whose name was borrowed to the behoof of the debtor's wife, who should not be preferred to her husband and lawful creditors; the LORDS found the letters orderly proceeded, at the instance of the said John Home, for the alimant of the lady, as was formerly decided in favour of the Lady Arthe.

Fol. Dic. v. 2. p. 175. Auchinleck MS. p. 259.

*** Durie's report of this case is No. 50, p. 10368. *voce* PERSONAL and TRANSMISSIBLE.

1631. *January 20.*

BROWN'S Creditors Competing.

THERE being necessity of a defalcation from off every one's debt, because the whole exceeded the gear, the LORDS preferred the poor of a kirk to have their whole sum, without defalcation, as being a privileged debt. In this case also, the principle of the above case, No 1. was recognised.

Fol. Dic. v. 2. p. 175. Spotswood, Durie.

*** This case is No. 4, p. 2428. *voce* COLLUSION.

No 1.

A relief, for implement of her contract of marriage, had formerly; a preference to all other personal creditors, though the other creditors had done more diligence.
See No 4, 5-6, & 11.

No 2.