

interest, through his assigning of the first bond after the last was satisfied ; and having deponed that the first bond was never presented to him for his own debt, but that he had granted the assignation eighteen months after the date of the bond, upon Kilkerran's saying that he had made use of his and his wife's name to secure the money from his own creditors, which he did *bona fide*, thinking that he was but denuding himself of a trust ;—the Lords assoilyied Kennedy, though there were many obvious presumptions that Kilkerran had not acted fairly in the matter ; particularly, he was a subscribing witness in the first bond, which made it look like something else than a trust for his behoof.

*Page 37, No. 165.*

---

1682. *November.* HENRY BLYTH *against* THOMAS LAWSON.

FOUND that if any part of the sum, duly appraised for, be not satisfied within the legal, that the whole lands appraised belong to the appriser. *Vide* No. 281, [Blyth against Lawson, December 1682.]

*Page 66, No. 279.*

---

1682. *November.* HELEN COASH *against* JOHN KING.

SEISIN, granted *propriis manibus* to a singular successor in burghland, without an adminicle in writ, not sustained ; though seisin in these, granted to heirs by hasp and staple, has privilege.

*Page 164, No. 592.*

---

1682. *November 2.* LADY KIRKLAND *against* THOMAS BURKLAE.

FOUND that the expenses of funerals, mournings, entertainment of the family to the first term after the defunct's death, the relict's lying in, and baptism of a posthume child, are all privileged debts ; for defraying whereof the relict had retention of the executry goods, *pro tanto* : albeit the defunct was *maxime obærat* and the relict had a considerable jointure ; and the creditors contended, that, in respect of the husband's condition and burdens, nothing ought to have been privileged but funeral expenses ; at least that the other debts, if allowed to be due, should have no preference.

*Page 122, No. 445.*

---

1682. *December.* BONHARD *against* BORREL, in NEWBURGH.

ONE having granted a bond for salt to an overseer of coal and salt, designed