

1739. December 11.

MR GEORGE BUCHAN *against* Sir WILLIAM COCKBURN.

No. 2.

A DISPOSITION *a non domino* with consent of the *verus dominus*, that consent imports not barely a *non repugnantia*, but also a conveyance of the property; whereas such a consent by a creditor though infest, or even a wadsetter, imports no more than a bare *non repugnantia*, and not a conveyance of his debts or of his securities for them. Therefore, though the Lords first found that Sir William Cockburn having consented in a disposition by Langton Cockburn of a part of his estate to Mr Buchan, must make over his rights upon the estate so far as necessary for security of Mr Buchan's purchase; yet, upon reviewing the case, they altered the interlocutor, and found that consent imported no more than a *non repugnantia*. (See Dict. No. 85. p. 6528.)

1744. July 26.

CREDITORS of EASTERFEARN *against* REPRESENTATIVES of ANN
M'LEOD.

No. 3.

WE gave the like judgment with the above, (No. 2.) and found that a consent by a liferentrix of annuity imported only a *non repugnantia*, though it had also the words renounce and overgive.

1748. February 11. EARL of HOME *against* BOTHWELL.

No. 4.

CONSENT by a debtor, to an assignation, being in a contract of marriage sometimes interpreted to be only *honoris causa*, and not sufficient to debar him from objecting to the cedent's right, or from competing with the assignee as having himself a better right.—The particle "or" is sometimes interpreted *conjunctive*.—*Vide inter eosdem, voce* PROVISION TO HEIRS AND CHILDREN.

See June 21, 1737, Ogilvie *against* Ogilvie, *voce* FACULTY.

See Creditors of Auchinbreck competing, 15th December 1749, *voce* PROVISION TO HEIRS AND CHILDREN.

See NOTES.

COALIER.

See PROPERTY.

COLLATION.

See MUTUAL CONTRACT.—LEGITIM.

COLLEGE.

See JURISDICTION.

COLLUSION.

See DELINQUENCY.—WARRANTICE.

COMMISSIONERS OF SUPPLY.

1735. July 25. HEPBURN of Monkkrigg *against* HAY of Hopes.

No. 1.

A SUPERIOR may act as Commissioner of Supply, if the property be valued at L.100, though the superiority be valued only at L.40, so that lands valued at L.100 may give a title both to superior and vassal. *2do*, Where lands of different heritors are parts of a Barony, valued *in cumulo*, and no separate valuation, neither superior nor vassal can vote. *3tio*, In a possessory process of suspension of the office of Collector of Supply, no terms allowed for proving the qualifications of voters. *4to*, A minor cannot act as a Commissioner of Supply, the minority being instantly proved. *5to*, No judge can vote in the question of his own son's qualification, though he be not one of the parties competing for the office of collector.

1742. July 30. ELECTION of CLERK of SUPPLY of BANFFSHIRE.

No. 2.

THE election of a clerk of the Commissioners of Supply cannot be tried in the way of suspension, because all parties having interest, *i. e.* the Commissioners, are not in the field; and therefore the bill of suspension was refused, reserving reduction as accords, as had before been done in the case of the Clerk, I think, of the Merse.

* * Yet we passed such a bill of suspension of the election of the Collector, but prejudice of his continuing to levy the cess, 2d July, 1747, Collector of Supply of Lanark *against* ———. See PUBLIC OFFICER.