

arrestment on a process against her as executrix to her husband, but which was reversed by the House of Lords. The observation in general I agree with but not universally, for, *causa cognita*, I see no reason why inhibition may not go out against an officer if there be hazard of dilapidation, but that cannot be applied to this case.

No. 4. 1738, Jan. 26. *CORSAN, &c. against MAXWELL.*

See Note of No. 16. *voce* ADJUDICATION.

No. 5. 1738, Feb. 14. *HARVIES against GORDON.*

I was in the Outer-House. I am told the Lords found the sum decerned for not being libelled was not secured by the inhibition upon the dependance.

No. 6. 1738, June 27. *PRICE against MAJOR JOHNSTONE.*

I KEEP these papers because the case is new, though it may frequently occur. The Lords would not recall or restrict the inhibition unless the petitioner would give evidence that no debt was due, or how much, neither would they oblige the pursuer to insist before the day that he should think fit to fill this in his summons, but ordered him to give the petitioner a copy of his summons with the day filled, that the petitioner might take his remedy by calling upon his copy after that day, or raise a summons as accords.—N. B. It had some influence that the pursuer was willing to pass from his arrestment on the petitioner's own bond, though that could have no effect on the point of law.

No. 7. 1742, Feb. 5, 17. *A. against B. (BROWN against CROKAT.)*

AN inhibition being raised on a gratuitous bond payable after the granter's death failing heirs of his body, which the Lords thought they could not have given *causa cognita*, they therefore would not sustain it against an onerous purchaser; and 17th February adhered and refused a bill without answers, though it was appointed to be seen as to other points.

No. 8. 1742, June 2. *CREDITORS of STEWART against DUNBAR.*

THE accountants usually employed in this Court, viz. George Boswell, Francis Farquharson, and Andrew Chalmers, being called by order of Court, informed us that in making their schemes where creditors adjudgers are preferred upon an inhibition to infestments or other rights, posterior to their inhibition, but prior and preferable to their adjudications, they are in use to make schemes of division among the whole creditors, and next a scheme of division leaving out the creditors cut out by the inhibitions, and so much of the inhibiting creditors' sums falling to them by the second division, as they want by the first, they deduct from the shares falling by the first scheme to the creditors cut out, whereon they make the scheme according to the inhibiting creditors accumulate sums,—and agreeably to that report, we, 3d December 1741, upon a division preferred Burgie for his accumulate sum in his adjudication, agreeably to our late decision betwixt Corsan