

**No. 13. 1750, Feb. 2. CREDITORS of MURRAY of Stanhope, *Competing.***

AN inhibition at Earl of March's instance was objected to, for that though it was executed against Sir Alexander as then out of the kingdom, at the market cross of Edinburgh, pier and shore of Leith, yet against the lieges it was executed at the market cross of Peebles, where he usually resided when on his own estate in Scotland. Answered, It was rightly executed at Peebles against the lieges and not at Edinburgh, pier and shore of Leith, because the lieges were not out of the kingdom. I desired that the keepers of the registers might certify what has been the usual practice, because if it is at the market cross of Edinburgh, and pier of Leith, and not at the head burgh of the shire, the sustaining this inhibition would be annulling all of them. However the Lords sustained the inhibition, but neither Strichen the reporter nor I voted.

**No. 14. 1750, June 5, 10. COMPETITION of the CREDITORS of CRANSTOUN.**

HORSBURGH was creditor by a personal bond in L.1824, on which he inhibited in 1728. In August 1728 he granted an heritable bond to Davidson, and in March 1731 he gave an heritable bond of corroboration to Horsburgh with accumulations, and another ground of debt, amounting in whole to L.2546, whereon he was infert in May 1732, and in 1736 Horsburgh and sundry personal creditors adjudged. In the ranking Davidson was preferred *primo loco* on his infertment, and Horsburgh *secundo loco*, which exhausted the price that nothing remained to the adjudgers. In the scheme of division Horsburgh insisted to draw upon his adjudications supported by the inhibition, but it was objected that the adjudication was not led on the bond that was the ground of the inhibition but on the corroboration, and most of us seemed to think the objection good, and that nothing could entitle him to draw by his inhibition but adjudging on his original bond; though Justice-Clerk thought that since the sum in the original bond was included in the corroboration, that adjudging on the corroboration was sufficient; but then it was objected that a new adjudication would not draw because excluded by the former adjudgers. But we thought, as the adjudgers were excluded by Horsburgh's infertment they could not compete with his adjudication, and as Horsburgh had already adjudged though only on his corroboration, the Lords thought it needless to make him adjudge over again, and therefore found him entitled to draw out of Davidson's share what he wanted of the sums in his original bond. And Kilkerran mentioned a case where a like judgment was said to have been pronounced in the case of the creditors of Colonel Stuart, I think it was for Mrs Scott of Galla. 16th June Adhered, with this explication, that Horsburgh drew first on his inhibition, next Davidson on his infertment, and 3dly, Horsburgh on his third infertment, as in Whitehaugh's case.

**No. 15. 1750, Nov. 6. COMPETITION, CREDITORS of SIR G. HAMILTON.**

IN this competition an old inhibition on two bonds, one by Sir Robert Miln and Sir George Hamilton, the other by Sir George alone, was objected to, for that though both bonds were recited in the preamble, yet the will of the letters was only to inhibit on the