

And therefore, in a suspension of this decret, the Lords laid no weight upon the reason of suspension : they thought the Sheriff's interlocutor well founded, (14th July 1774.) But the cause went off upon another ground, *viz.* the import of a discharge by Harrison to Wilson of the original decret, and all following, or competent to follow thereon ; under which, it was alleged by Wilson, that all claim for expenses was totally given up and discharged.

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1776. December 14. ROBERT GRAY *against* HUGH MONRO.

AN agent, who has managed a lawsuit at the desire of several pursuers, was found to have action against any one of them for his whole claim of disbursements and pains. Dict. Vol. II, p. 385. The same holds as to an accommodation by way of composition of any law-suit, civil or criminal.

Robert Gray of Ardens against Hugh Monro, jun. of Auchanny, (16th November 1776.) In this case, a factory was granted to Mr Gray to accommodate a criminal process for a riot. He did so. The granters of the factory, were found liable, severally, for the composition, without distinguishing their different interests or concerns in granting the factory. This day, 14th December, 1776, the Lords adhered.

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1776. February 24. COUNTESS of SUTHERLAND *against* CUTHBERT.

A DECRET for expenses, in common cases, does not bind each defender *in solidum*, unless the words conjunctly and severally are added. But where two persons concur in bringing an action, upon the same *medium*, and with the same conclusion, they are liable in expenses *in solidum*, even although the words conjunctly and severally are not added. This would hold particularly in a process of ranking and sale ; for it never could be pretended that one part of the process applied to one creditor, and another part to another.

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1774. January 19. MAGISTRATES of RUGLEN *against* CULLEN.

WHEN the Lords give expenses of process, they always, in course, give the expense of extract. The clerk puts it into the interlocutor often without special authority. Upon the same footing it is, that, where, in an appeal, the House of Peers give costs, the Lords, when they apply the decree, give also the expense of the extract ; 30th November 1773,—adhered to 19th January 1774. There were many other points. See this case under head of *Appeal*, p.

*Query*, Is this the practice in inferior courts ? Why should it not ?