

1750. *June 10.*COMPETITION of the CREDITORS of CRANSTOUN, *i. e.* HORSBURGH *against*  
DAVIDSON.

No. 14.

IN a competition betwixt a personal creditor inhibiting, who obtained an heritable bond of corroboration whereon he was infest, accumulating the annualrents, and likewise some other debts, but which infestment was after another creditor was infest for a debt contracted after the inhibition, and some other personal creditors adjudgers; the inhibitor having also adjudged, but not on his original bond whereon the inhibition followed, but on the corroboration;—in the ranking, the two infestments were ranked according to their dates, and did much more than exhaust the price, and left nothing to the adjudgers; therefore in the division, the inhibitor insisted to draw what he wanted, from the first infest, on his inhibition. Objected, inhibition cannot draw without an adjudication; but here the inhibitor's adjudication is led not on the ground of the inhibition, but on the corroboration; and a new adjudication could draw nothing, though on the original bond, because of the other adjudications for debts prior to the inhibition, and therefore he was not prejudged by the infestment. But the Court thought that these adjudications being excluded by the two infestments, would not compete with a new adjudication; and as he had already adjudged, though only on the corroboration, thought it unnecessary to adjudge again, and therefore (as in *Whitehaugh Case*,)\* we preferred first the debt in the inhibition, and next the two infestments in their order. (See *DICT. No. 54. p. 6985.*)

1750. *November 6.*COMPETITION, CREDITORS of SIR GEORGE HAMILTON, *viz.* BLACKWOOD  
of Pittreavie *against* ROBERT ALLAN.

No. 15.

INHIBITION on two bonds, one by Sir Robert Miln and Sir George Hamilton, and the other by Sir George, both recited in the preamble, but the will bearing only "said bond" in the singular number, and the messenger's execution bearing also "bond" in the singular number, (but in the register the words stood "bonds" in the plural number,) was objected to, that it could only be effectual for one bond agreeably to the will of the letters and messenger's execution; and as it could not appear for which bond, therefore it was void for uncertainty. The Lords repelled the objection, agreeably to a former decision on this very inhibition, 8th July 1725. (See *DICT. No. 61. p. 4967.*) *Vide inter eosdem*, No. 16. (See *DICT. No. 56. p. 6991.*)

\* *DICT. No. 48. p. 6974.*