

1751. *July 3.*

CREDITORS of COCKBURN of Langtown, *Competing*, viz. ALEXANDER COUTTS, and HEIRS of PROVOST COUTTS, *against* Dr SCOTT and JAMES SCOTT.

No. 16.      THOUGH inhibition affects annualrent-rights, that is the stock, yet it does not affect the bygones fallen due before inhibition.

In the same process, we thought an inhibition proceeding not on the bond or ground of debt, but on the horning, (*i. e.* bearing, because the Lords have seen the horning,) was void and null, but superseded, because it was said that the universal practice some years ago was otherways. Afterwards they gave us a list of 176 inhibitions since 1692, and we unanimously repelled the objection. (See DICT. No. 58. p. 6993. and No. 55. p. 6988.)

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1751. *July 3.*

CREDITORS of WILLIAM M'KAY, *Competing*, viz. GABRIEL NAPIER *against* CAMPBELL of Dalness.

No. 17.      INHIBITION found to annul a bond granted in payment of a writer's account, both as to annualrents upon the bond, and as to all articles of the account after the inhibition.

An inhibition being raised on a depending process, which was afterwards terminated by submission and decret-arbitral, whereupon diligence followed, we sustained the objection to the inhibition, that no sentence followed on the dependence, and found the decret-arbitral not secured by the inhibition. And being executed against a man and his wife in these words; "whereof I delivered to the said Elizabeth Fowler and William M'Kay "personally apprehended a just and authentic copy,"—objected, that only one copy was delivered for both. But as the execution bore that both were personally apprehended, we thought it behoved to mean a copy to each; and therefore repelled the objection. (See DICT. No. 57. p. 6993.)

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1752. *June 5.*

CREDITORS of Sir GEORGE HAMILTON, *Competing*, *i. e.* BLACKWOOD of Pittreavie *against* BOYES and Others.

No. 18.

Two inhibitions, at the instance of different creditors, but against the same person, being executed the same day, but one of them supposing him

to be out of the country, the Lords sustained both inhibitions, referring to Mr Blackwood the competitor to disprove either the one or the other as he should be advised.

*2do*, Repelled the objection to the execution of an inhibition, that it did not recite the debt on which the inhibition proceeded, nor the date of the letters.

*3tio*, That though executed against the debtor as out of the country, yet it was executed against the lieges only at the market cross of Edinburgh, in which his ordinary residence was, agreeably to the judgment among Sir Alexander Murray's creditors. (No. 13.)

*4to*, Repelled also the objection, that the execution bore the leaving a copy of the letters, but not of the execution itself.

*5to*, Though the inhibitions were in 1698, found them not prescribed, because the infestment on the deed quarrelled was in 1706, and in the 1735 the inhibitors were preferred to it on other grounds. *Vide inter eosdem voce Jus TERTII. Vide No. 10. Vide RANKING and SALE.*

See Mathieson against Carlyle, 1st February 1739, *voce* BANKRUPT.

See Burton against Corse, 22d July 1747, *voce* HUSBAND AND WIFE.

See Creditors of Whitehaugh, *voce* COMPETITION.

See Dickie against Creditors of Anderson, 28th November 1734, *voce* OBLIGATION.

See NOTES.