

did not mention the assigning of the first term for production. ANSWERED,—Though the extractor has omitted this, yet it was truly done; and he now produces the act for the first term, which was lying amongst the warrants. The Lords found this informality was no nullity.

*2do.* That it having been alleged, The writs against which Knox craved certification were in his own hands,—he was ordained to depone thereanent; and yet the certification was extracted in thir terms:—“against all writs which he shall deny the having of;” which could not be till he had first deponed. ANSWERED,—He was never required, nor a term assigned; and he is yet willing, in fortification of his decret, to depone; and it cannot be presumed he had their rights.

The Lords found this sufficient to open the decret, and repone Lauriston against the same. *Vol. I. Page 663.*

1695. *January 29.* SIR ANDREW MURRAY *against* LORD DRUMCAIRN and VISCOUNT STORMONTH.

RANKEILER reported Sir Andrew Murray against my Lord Drumcairn, his brother, and the Viscount of Stormonth, his nephew, for ratifying of a disposition made to him by Stormonth's tutors, in his minority, conform to Drumcairn's express obligation.

The Lords found him liable *in solidum* for the damage, in case of his not obtaining the ratification, and not *pro rata parte*, as he contended; and repelled that reason of reduction on minority and lesion, that, by the book of sales, there appeared to be fifteen bolls of victual of concealed rent, in respect of the disposition produced by Sir Andrew, which was entire, and not vitiated, as their double was. *Vol. I. Page 664.*

1695. *January 29.* THOMAS ALLAN *against* The CREDITORS of HUGH NIELSON, Apothecary.

THE Lords found Bailie Grahame's back-bond was of the nature of a reversion, the subject being anent heritable rights; yet, that neither it, nor the assignation thereto, needed to be registrate, in regard the Act of Parliament 1617 only requires registration where seaisne has followed on the right under reversion.

And an inhibition being obruded against the [disposition,] and both being of one date, the question was, Which of them was presumed to be the first? Several of the Lords inclined, that such an execution of inhibition could not reduce that disposition, seeing it was not usual to insert hours, either in inhibitions or dispositions; though some thought the presumption should lie in favours of the legal diligence, and against the voluntary right, But it was not decided. *Vol. I. Page 664.*