

1685 *January.*Sir ADAM BLAIR *against* The CREDITORS of WILLIAM RIGG.

No 15.

AN inhibition executed at Musselburgh, the head-burgh of the regality where the lands lay, and at the market-cross of Edinburgh, as use is, being quarrelled, for that the execution bore copies to be left at the said burgh of Edinburgh, without mention of Musselburgh;

It was *alleged* for the defender; That it was but a mere omission; and it was offered to be proved by the messenger and witnesses, that, *de facto*, a copy was left at Musselburgh.

THE LORDS found the execution null, and would not supply that defect, it not being so in the register.

Fol. Dic. v. 2. p. 213. Harcarse, (INHIBITION.) No 738. p. 176

1714. *June 25.* HASWELL *against* MAGISTRATES of JEDBURGH.

No 16.

IN an action against Magistrates for refusing to obey a charge given them to apprehend a rebel, the LORDS assolizied, because there was no execution of the charge given by the messenger, though there was produced in process a notorial instrument, bearing the fact, and also the letters of caption, with a note under the messenger's hand, bearing that the charge was given as narrated in the instrument; and the pursuer offered further to adminiculate all by the instrumentary witnesses.

Fol. Dic. v. 2. p. 212.

* * * This case is No 63. p. 11733. *voce* PRISONER.

S E C T. II.

What Proof relevant to support Defective Writs.

1579. *March 14.*NAIRN *against* SUTOR.

No 17.

THERE was a contract desired to be registered betwixt one David Nairn and one Patrick Sutor, which contract was subscribed by both the parties with their hand writs, that could not write, led by a notary. In the same contract, there were sundry places upon the margins, which were not in the body of the contract, and also interlined in sundry parts: Therefore, this Nairn summoned