

1724. *January 22.*The CREDITORS of HOUSTON *against* SIR JOHN HOUSTON.

No 23.

THE LORDS sustained the execution of a general charge against Sir John's tutors and curators, though it was not at the head burgh of the shire but of the regality where they lived; in respect that Glasgow was the head burgh of the regality, and that such executions were common there; but because of the obscurity of several head burghs of regality, they found that this was not to be extended.

For Sir John, *Pat. Grant.*Clerk, *Dalrymple.**Fol. Dic. v. 3. p. 186. Edgar, p. 4.*1744. *June 19.*

Competition, JOHN CAMPBELL with the other Creditors of SIR JAMES CAMPBELL of Auchinbreck.

No 24.

An execution of inhibition need not express that it was executed at the head burgh of the jurisdiction where the debtor resided.

THE said John Campbell, being creditor to Sir James, inhibited him, and in a ranking of his creditors, craved to be preferred to the debts contracted posterior to the date of his inhibition. *Objected* for the creditors; That the execution of the inhibition at the market cross of Inverary against the lieges, did not bear or express that Sir James's residence was within the shire of Argyle, but only that his whole estate lay there; and though it be true, that his residence is at his mansion-house of Lochgair, upon that estate, yet as this was not expressed in the execution, the same was null and void, and the inhibition of no use to the creditor.

Answered, That there is no law or statute that prescribes the precise form of executing inhibitions, but only for the registration thereof for the more certain notice and publication to all the lieges; and though the form of execution at the market-cross be still necessary to be observed, it is the registration which in reality makes the certain publication, by which every person may know the condition of the party inhibited; and, in this execution itself, every thing is done which the law or custom requires, namely, that the inhibition is executed against the lieges at the market cross of the head burgh where the inhibited person dwells. The obvious reason and use of which place of execution is, that it is presumable, a man's ordinary and most frequent dealings or commerce will be with persons living in his neighbourhood, within the same shire or jurisdiction where he himself resides; and that strangers dealing with him will naturally make such inquiry at one or other of the debtor's neighbours; the necessity of which is, in a great measure, superseded by registration: But yet, as to the form of such executions, if the lieges in reality be inhibited at the