

JUS QUÆSITUM TERTIO.

No. 1. 1744, Jan. 3. CREDITORS of MR HUGH MURRAY, *Competing.*

See Note of No. 13. *voce* EXECUTOR.

JUS SUPERVENIENS AUCTORI ACCRESSIT SUCCESSORI.

No. 1. 1738, Dec. 22. CREDITORS of GORDON of Kirkconnell.

THE Lords found that the common debtor's infestment accresced to the creditors former infestments according to their several dates so as to prefer them according to their dates, and not *pari passu*. Dun and Arniston only spoke, and none of us spoke against it, though I own I doubted greatly, but could not say I was of a different opinion. Arniston told me that what determined him was, that he still thought that the common debtor's right denuded him without regard to the decision in the case of Bell of Blackethouse.

* * The case of Creditors of Girdwood, 10th December 1742, is here referred to, which is stated in the manuscript as follows:—

ONE got an heritable bond from a person not infest but did not infest himself; thereafter another creditor got an heritable bond from the same debtor and did infest himself; thereafter the first creditor got another heritable bond for another debt and did not infest himself, but then finding his author not infest he first infested himself on his two bonds, and immediately on the same day he infest his author the common debtor, and all the three sasines were registrated on the same day. In the competition the Lord Dun preferred the creditor first infest, and this day the Lords adhered, as we determined 22d December 1738, Creditors of Gordon against Kirkconnell.

JUS TERTII.

No. 1. 1749, (Jan.) Feb. 17. BLACKWOOD *against* CREDITORS OF HAMILTON.

See Note of No. 43. *voce* ADJUDICATION, and No. 10. and No. 18. *voce* INHIBITION.