

foresaid bond in the singular number, and agreeably to the will, the messengers executions (there being two of them) mentioned also bond in the singular number, though in the register they had erroneously added the letter *s*. And I at first sustained the objection, but afterwards on showing me a decret 8th July 1725 in a question on this very inhibition with Callender of Craigforth, where the same objection was repelled, I thought it did not become me to contradict a judgment in point of the whole Court. Therefore I gave my interlocutor in respect of that former judgment repelling the objection. Pittrievie reclaimed, and the President and others were of my opinion, that when preference is claimed on legal diligence, especially when that diligence is used to reduce onerous transactions as being *spreta auctoritate*, that if there be any defect in the diligence equity cannot interpose to supply it. And I observed further, that there was more here wanting than the letter *s*, because Sir Robert Miln could not be inhibited on both bonds. But on the question it carried to adhere to my interlocutor, *renit. President et me.*

No. 16. 1751, July 3. CREDITORS OF COCKBURN OF LANGTOWN, *Competing.*

See Note of No. 11. *voce* ANNUALRENT.

No. 17. 1751, July 3. CREDITORS OF WILLIAM M'KAY, *Competing.*

An inhibitor objected to a bond in 1742 as after inhibition. Answered, That the bond was granted for a writer's account partly before the inhibition, partly after, and founded on a letter employing him prior to the inhibition. The Lords sustained the bond as to all the articles prior to the inhibition, but sustained the objection to the bond as to all the articles after inhibition and as to annualrent. 2dly, Objected to the inhibition, which was against a man and wife, as the execution bore, "whereof I delivered to the said Elizabeth Fowler and William M'Kay personally apprehended one just and authentic copy;" that therefore only one copy was delivered to both, and it does not appear to which;—but we thought that it imported one copy to each of them, and repelled the objection, *renit. Justice-Clerk, and Shewalton, Ordinary*; 3dly, An inhibition being raised on depending processes which they submitted, and decret-arbitral was pronounced, upon which diligence followed,—it was objected that there having no decret followed on the depending process, the inhibition was of no avail,—and we sustained the objection.

No. 18. 1752, June 5. CREDITORS OF SIR G. HAMILTON, *Competing.*

See Note of No. 43. *voce* ADJUDICATION.

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IRRITANCY.

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No. 1. 1735, June 11. MR KIRK *against* SIR JOHN GORDON.

THE Lords would not affirm the interlocutor founded upon the irritancy incurred in April 1733 before the payment in November 1733, which they generally thought purged