

11th July 1676, *Stevenson contra Innes*, No 145. p. 3788. Stair, 19th November 1680, *Hay contra Lady Ballegerno*, No 146. p. 3790.

No 150.

To which it was *answered*, That as the execution in question bore every thing to be lawfully done according to the will of the letters, it was fulfilling the intention of the law to all rational intents and purposes. The judgements cited were exceedingly rigorous and critical, and in many instances, executions, though neglecting to set forth similar *minutiae*, had been sustained.

It was *observed* on the Bench, That it would be dangerous to supply the defects of legal executions by parole evidence; that a defect in the execution of an inhibition could not be supplied; and it was the same thing when the objection lay to the execution of the dependence, upon which the inhibition was raised. The proof offered was at any rate insufficient; for the oath of the clerk to the bills would not be enough, unless he could swear to the very summons; which would put too much in his power. Their Lordships were equally clear as to the second objection.

They therefore 'sustained both objections to the inhibition, and assoilzied the defender from the reduction.' *See PROOF.*

Lord Ordinary, *Barjarg.*
Clerk, *Campbell.*

For Gillies, *Sol. H. Dundas, Crosbie.*
For Murray, *B. Hepburn.*

R. H.

Fac. Col. No 70. p. 207.

1782. *January 24.* Ranking of the CREDITORS of JARVIESTON.

In this ranking, an inhibition was found null, because the execution did not bear the three oyeses, nor the open proclaiming or reading the letters.

No 151.

Lord Ordinary, *Branfield.*
For the other Creditors, *Maclaurin, Henry Erskine.*

For the Inhibiting Creditor, *Cullen, Ross.*
Clerk, *Menzies.*

G.

Fol. Dic. v. 3. p. 189. Fac. Col. No 24. p. 45.