

brother-german to William Irvine of Bonshaw, on which inhibition followed, which was afterwards corroborated, and the annualrents accumulated, by the cautioner in 1699 and 1703;—the inhibition being objected to, for that the bond 1683 was null, there being no such person as John Agnew, brother-german of Irvine of Bonshaw;—answered, It was only a mistake in calling him brother-german instead of brother-in-law, and that error could not annul the bond; 2dly, homologated by the two corroborations; 3dly, one of the brothers may have changed his name. We found the bond void and null, and the inhibition on it, unless the creditor would prove that such was the witness's name and designation; *referente* Woodhall. As to the homologation we found that the inhibition must stand or fall with the bond 1683; and at the same time that these corroborations would not even bind the cautioner, if the bond was void as to the principal.

No. 4. 1753, July 5. CREDITORS OF LORD RUTHVEN, *Competing*.

THE College of Glasgow were creditors by bond in 1732, wherein he designed himself James Ruthven of Ruthven, having not then taken the titles, and in 1746 they adjudged from him under the designation in their bond, and had the first effectual adjudication. In 1733 or 1734 he took the title of Lord Ruthven, and the other creditors adjudged under that title. Mr Moncrieff being without the year and day of the College's adjudication, objected to it as upon an erroneous designation, or if it was right, then objected against the others that they were erroneous and void. But upon report of Lord Minto both objections were repelled.

No. 5. 1753, July 6. PROVOST HAMILTON *against* DALGLIESH.

WE sustained an objection against a process of sale where the defender was called George Hamilton, though his true name was William, and the same error was in the decret of adjudication whereon the process of sale proceeded.

* * * See the case of Barisdale in Notes, *voce* FOUFEITURE.

FEU.

No. 1. 1736, Nov. 24. DUNDONALD *against* ELIZABETH BARR.

THE Lords found the relief due to the superior in feu lands, unless where there is express provision for it in the feu-charter. We had no regard to the specialties alleged in this case, but determined the general point.

FEU-DUTIES.

No. 1. 1738, June 27. CREDITORS OF POLDEAN *against* SHARP.

THE Lords this day again found as they had done some years ago, (though I remember not the year or parties,) that feu-duties not separated from the superiority by decret