

No. 7. 1738, Dec. 19. CREDITORS OF NEWLAW, *Competing*.

THE LORDS resolved to lay aside all the objections of *res judicata* on either side, and first found that Charles Murray the son might adjudge, being *nominatim* substitute in the bond of corroboration, without serving heir to his father in that bond. Some of us *inter quos ego* doubted, because if the father had taken infestment, we agreed that a service would have been necessary, and I could not see that the taking or not taking a sasine could alter the point of law, Whether it was necessary to make up a title or not? *Vide* Dirleton's Doubts and Stuart's Answers *De Feod. pœcun.* &c. Ques. 9th. January 6, The Lords remitted a reclaiming bill to the Ordinary to the end that the whole cause might be entire.

No. 8. 1739, Jan. 9. YORK-BUILDINGS CREDITORS, viz. DUKE OF NORFOLK, &c. *against* SIR WILLIAM BILLERS.

See Note of No. 21, *voce* ADJUDICATION. The case referred to, (Duke of Norfolk, &c. *against* Annualrents,) is mentioned 14th November 1739, thus:

Found that the trustees must take a day to produce the whole annuity bonds granted whether to the persons called or not, as they did 9th January last, but upon a proposal made from the Bar, they remitted to the Ordinary to hear them on that proposal.

No. 9. 1741, July 8. LAING *against* NICCOL.

See Note of No. 4, *voce* ASSIGNATION.

No. 10. 1742, Feb. 20. GORDON of Pitlurg *against* GORDON of Tichmurie.

See Note of No. 7, *voce* PASSIVE TITLE.

No. 11. 1742, June 17. CREDITORS OF MR MURRAY, *Competing*.

MR CHALMERS being decerned executor in the Commissary Court of St Andrews, within which Mr Murray's dwelling-house lies, and where he kept a farm and labouring servants, and resided there in time of vacance, but had a house in town where he resided in time of Session; and then Mr Blair having served an edict to be served here, Mr Chalmers opposed it; and the question was which Commissary should be preferred? The Commissary of St Andrews was preferred, and the edict before the Commissaries of Edinburgh advocated and remitted to that of St Andrews, as we found formerly in the case of Lord Kimmergham's Creditors, 8th June.—17th June, Refused a reclaiming bill without answers.

No. 12. 1749, June 28. GRIM *against* JOHN AND DAVID SCOTT.

IN 1711 Scott of Hedderwick granted bond for love and service for L.1000 to Jean Ogilvie wife of David Grim and the children of that marriage, whom failing the children