

ferior judge. Answered, Whatever might be pretended as to the presenting signatures upon legal diligences, yet any superior may not only delay, but refuse voluntary rights; 2. By constant practice, the first infetment upon the last signature is preferable; 3. A right may be rendered public, either by confirmation or possession, or decret of declarator, or poiding of the ground, according to the nature of the right; and Forrest not only raised his summons, (which had been sufficient,) but recovered decret before Callender's infetment. The Lords preferred Forrest, as having the first public right. And, in a competition here, between two processes of poiding the ground, the Lords preferred the first citation. *Vide* No. 608, [John Callender against Creditors of Craigforth, February 1687.] *Page* 169, No. 606.

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1687. *January.* SOWTON *against* SMEATON, &c.

FOUND, that where a creditor's money is affected by arrestments, he may raise a multiplepoiding in the debtor's name, and the debtor cannot disclaim it. *Page* 213, No. 754.

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1687. *January.* ASHURT *against* CLIFTONHALL.

THE Lords sustained a holograph rental unsubscribed, as the constitution of the rental against his heirs. *Page* 225, No. 802.

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1687. *January.* HERMISHEILS *against* The LAIRD of DALZIEL.

FOUND that a writ, whereof the margin was only signed by the principal debtor, and not by the cautioner, could not be quarrelled, as defective upon that head, by the cautioner. And though the margin have no witnesses, yet the subscription thereof may be proven by the pursuer's oath, even in an improbation. *Vide* No. 575, [Andrew Johnstoun against Johnstoun of Lockerbie, February 1688.] *Page* 253, No. 895.

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1687. *January.* ACHMOWLY *against* DOROTHY BUCHANAN.

AN assignation by a wife clothed with a husband, consisting of two sheets, not side-signed by the cedent, was sustained in respect of her judicial ratification in Ireland before the mayor, written upon the first sheet, though the said ratification was only signed by the mayor, and not the party. *Vide* No. 118, [Auchinmouly against Dorothy Buchannan, January 1687.] *Page* 253, No. 896.