

But as Archibald's right to the Society was only in security of a debt whereby the reversion remained with him, and all that was over that debt; we found Houndwood's right sufficiently completed, and therefore preferred him; and 25th June adhered, and refused a reclaiming bill without answers.

No. 14. 1754, Jan. 26. GRANT *against* LADY NEWMORE.

GRANT sued the Lady for a small account of saddle work furnished by him to her brother Colonel Monro of Newmore, to whom she was heir; and she obliged him to bring proof of the furnishing. On advising, we found the furnishings proved, and decerned for the account with annualrent from a year after the last article and expenses, in absence. *Vide infra* February 15.

No. 15. 1754, Feb. 15. MILLER *against* NEWLANDS.

NOTWITHSTANDING the judgment 26th January 1754, Grant *against* Lady Newmore, —in a process this day, for the price of merchant ware, L.54 value, not in way of retail, but in a slump bargain to be retailed; we refused to give annualrent for a year after the sale, and gave only from the citation in the process;—and thought even in retail annualrent was not always due from a year after furnishing; but that every case must be judged by its own circumstances.

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APPEAL.

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No. 1. 1734, Dec. 11. BLACKWOOD *against* RUSSELL, &c.

THE Lords found the creditors subscribing not found, in respect the other creditors who were preferable did not sign. My reason was, and was the opinion of the Lords, that the reversal of the judgment, if it had been obtained, would have been beneficial to the whole creditors not appealing as well as Mr Blackwood; and in case Mr Blackwood had prevailed, he could not have been bound in the terms of the contract to communicate his rights to the less preferable creditors signing, since the preferable creditors did not sign, and would be preferable to him.

No. 2. 1736, July 8. M'LEOD *against* GORDON.

ANKERVILLE and his creditors having entered an appeal against the decret given for Gartie against Cadboll, and a caption being raised against Cadboll at Robert Gordon the assignee's instance, after the appeal was served against him as well as against Gartie; Cadboll, though he was no appellent, presented a bill of suspension. The Lords would not pass the suspension, but they sisted execution of the caption (raised after the appeal) until the charger obtain the warrant of the Lords *in presentia* if in time of Session, or of three Lords if in time of vacance, for executing the same.—N. B. The Lords passed the bill as to some articles upon other grounds, and refused the rest.