

son, the matter being upon two voluntary infeftments, whereof one was prior, *sed post inhibitionem*, and the other posterior *quoad sasinam*, but had inhibition of before.

Kerse, MS. fol. 59.

No 5.

1612. June 30. JOHN PYRIE *against* ———

IN an action of reduction pursued by John Pyrie *ex capite inhibitionis*, the LORDS found, That the inhibition executed against the father could not stop the lieges to buy from the son, except the inhibition had been renewed against the son.

Fol. Dic. v. 1. p. 473.—Kerse, MS. fol. 59.

No 6.

*** Haddington reports this case :

INHIBITIONS are personal, and being served against any man not to annalzie his lands, the same will not be a ground to reduce any alienation made by the heir of the party inhibited, of any of the lands which pertained to the party inhibited, to whom the said heir succeeded.

Haddington, MS. No 2475.

1613. December 14. NAIR *against* NAIR.

IN an action of reduction of an inhibition used by Mr Thomas Nair *contra* Mr Walter his brother, the LORDS found the inhibition null, because it was raised upon a bond of tailzie.

Kerse, MS. fol. 59.

No 7.

1614. March 8. SYME *against* LAIRD of COLDINGKNOWS.

IN an action of reduction *ex capite inhibitionis* pursued by Mr Alexander Syme *contra* the Laird of Coldingknows, the LORDS found, That the inhibition was null, except the party had also been inhibited ; and found, if Coldingknows improved that part of the inhibition whereby the party is inhibited he should prevail.

Kerse, MS. fol. 60.

No 8.

No 8.

** Haddington reports the same case.

Ross, assignee constituted by Mr Alexander Syme's wife, pursued the Lady Coldingknows for reduction of some infestments obtained by her from the Laird of Elphinston, after inhibition served by them or their authors. Coldingknows offered to improve the inhibition. It was *alleged* that nothing could be improved but the publication, because the personal charge was not necessary against the contractor, and alleged the practice betwixt the Laird of Saintmonans and his uncle. Nevertheless, the LORDS found, that in inhibitions, it was necessary to inhibit the party contractor personally, or at his dwelling place, because the command of the letters contains that direction.

Haddington, MS. No 2566.

No 9.

1615. *January 31.* LORD TULLIBARDINE *against* LAIRD OF CLUNY.

IN an action of reduction *ex capite inhibitionis* pursued by my Lord Tullibardine *contra* the Laird of Cluny, the Lords repelled an exception proponed upon a prior contract and inhibition, because the prior contract contained not a bond to infest, but a bond for sums of money; and would not receive the inhibition by way of exception, but repelled, *salva actione*.

Kerse, MS. fol. 60.

No 10.

1615. *June 15.* THORNATON *against* BULTY.

IN an action of suspension betwixt Donald Thornaton and Robert Bulty, minor, against whom decret was recovered as charged to enter heir to his goodsire; the Lords received this renunciation by way of suspension; and also received a renunciation, with this limitation, 'renounces all lands and successions pertaining to his goodsire, except those lands which are contained in his father's contract of marriage; and wherein the goodsire is obliged to infest his father;' whereupon inhibition was used, because that the LORDS found, that the contract with the inhibition preceding the debt was *titulus singularis*.

Kerse, MS. fol. 60.

No 11.

1616. *July 16.* INGLIS *against* LAIRD OF CORSTORPHINE.

IN an action of reduction *ex capite inhibitionis* pursued at the instance of Thomas Inglis *contra* the Laird of Corstorphine, the LORDS found, that an in-