

No. 11.

1750. *January 16.* CLEUGH *against* WILLIAM SELLERS.

A DISPOSITION of lands being reduced *ex capite inhibitionis*, and afterwards the lands adjudged in the 1711, the adjudication was found effectual against the purchaser as to all the legal consequences of it, not only accumulations, but even expiry of the legal. *Vide* Stewart's Creditors, No. 8. and Corson's Case, No. 4. (See DICT. No. 52. p. 6983.)

No. 12.

1750. *February 2.*CREDITORS of SIR ALEXANDER HOPE of Kerse, *Competing.*

THE Lords gave the like judgment as they did in the 1747, in the case of Campbell of Whitehaugh, \* that an inhibition does not affect proportionally all posterior contractions, but only such as are least preferable, though these postponed posterior contractions were not real by infertment, and so contracted on the faith of the records, but were only personal debts on which adjudications afterwards followed, though the postponed creditors alleged that that decision was made on account of the faith of the records; —in respect of the answer, that the principle established by that decision was, that inhibitions do not totally void all subsequent transactions, but only such as are to the prejudice, and only in so far as they are so, and can therefore only claim a preference, and have no prejudice where there is not sufficient to pay both. *Vide inter eosdem voce* RANKING AND SALE. (See DICT. No. 53. p. 6984.)

No. 13.

1750. *February 2.*CREDITORS of ALEXANDER MURRAY of Stanhope, *Competing.*

INHIBITION executed against one out of the kingdom at the market cross of Edinburgh, pier and shore of Leith was sustained, though executed against the lieges only at the market cross of the head burgh of the shire, where his dwelling-house, the ordinary place of his residence, when in the country, lay. *Vide* No. 16.

\* DICT. No. 48. p. 6974.