kindly tenants of the said husband-land, they paying of rent, six bolls bear, two bolls family-meal, &c. with 40 merks at the entry of every heir. No 115.

In a removing of the heir of the said James Waugh by Ker of Moristoun, purchaser of the lands of Ligertwood, which was brought before the Court of Session by advocation; the LORDS found that a perpetual rental is not good against a purchaser, more than a perpetual tack.

Sel. Dec. No 8. *p.* 11.

1780. *February* 29. GORDON *against* MILNE.

No 116.

ISABEL GORDON possessing the estate of Edintore, as heiress apparent to her brother, disponed the lands to Dr Gordon, reserving her own liferent. Dr Gordon used inhibition to prevent her doing any deed to affect the lands to his prejudice. Posterior to this diligence, she let a nineteen years lease, and died before its expiration. In a reduction of this lease, urged for the tacksman, That when it was granted, the disposition in the pursuer's favour was merely a latent deed, he not having been infeft till long after. Mrs Gordon, on the contrary, being an apparent heir three years in possession, the defender's possession, acquired from her *bona fide*, must be valid: The inhibition, though it might affect all rights that touched the property of the lands, could not affect those that touched merely the possession. THE LORDS, without seeming to lay any weight on the effect of the inhibition, were of opinion, that the defender, who had derived his right from a person not infeft, was not entitled to compete with a singular successor who was infeft; and they decerned in the reduction.

Fol. Dic. v. 4. *p.* 70.

*** This case is No 65. p. 7008. *voce* INHIBITION.

1794. *December* 10. JAMES WADDEL *against* JOHN BROWN.

No 117.
The lease of an urban tenement was found equally effectual against singular successors, as a lease of lands.

DAVID MACQUATER, in 1791, by a missive, granted to John Brown, a lease of a dwelling-house and workshop in Glasgow for 17 years. Brown immediately entered into possession.

In 1792, Macquater sold these subjects to James Waddell, who, in 1793, brought an action of removing against Brown, in which he stated, that he had not been informed of the existence of the lease at the time of the purchase, and in point of law.

Pleaded: A lease is at common law a mere personal right; Bankton, b. 2. tit 9. § 1. The statute 1449. c. 17. has indeed made leases of "lands" effectual against singular successor, but neither the letter nor the spirit of that sta-