

No 66. entirely voluntary, and which could not by any action have been enforced; Stair, b. 4. tit. 20. § 28.; b. 4. tit. 50. § 11.; Bankton, b. 1. tit. 7. § 138.; Erskine, b. 2. tit. 11. § 11.; Fountainhall, 29th January 1696, Wilson and Logan *contra* Penman, No 103. p. 7036.

Answered; This inhibition did not strike against the original ground of debt, which still subsisted. Neither did the corroboration create any new debt; its only effect was, to preserve against prescription, or to save the expense of expediting a confirmation.

THE LORDS found the inhibition to strike against the bond of corroboration, as being posterior to it, and serving to create a title to the prejudice of the inhibiting creditor.

They therefore sustained the objection. See SERVICE and CONFIRMATION.

Lord Ordinary, *Alva*.
Alt. *Currie*.

For the Objectors, *Ilay Campbell, Craig, Mat. Ross*.
Clerk, *Colquhoun*.

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Fol. Dic. v. 3. p. 323. Fac. Col. No 45. p. 72.

No 67. 1785. July 24. DOUGLAS, HERON, and Co. *against* BROWN.

INHIBITION does not strike against a new bill granted for an old debt which subsisted prior to the inhibition.

Fol. Dic. v. 3. p. 323. Fac. Coll.

* * * See this case, *voce* INNOVATION.

1787. August 8. LORD ANKERVILLE and Others *against* JAMES SAUNDERS and Others.

No 68.

Inhibition not competent to render effectual against creditors a deed by which a person obliges himself, in favour of others, not to sell or impignorate his lands, nor to contract debt by which they may be burdened.

MR ROSS-MONRO of Newmore entered into a contract with Lord Ankerville, and other persons, nominated as his successors in that estate, by a deed of settlement executed by Lieutenant-Colonel Monro, his predecessor, which, however, left him at liberty to sell the estate or burden it with debts.

By this contract, Mr Ross-Monro bound and obliged himself, and his heirs, that he should in no wise alter, innovate, or change the course and order of succession of the said estate, as established by the disposition and destination executed by the deceased Lieutenant-Colonel John Monro, nor do any act or deed, directly or indirectly, that may frustrate the same: And further bound and obliged himself, and his aforesaid, that he should not sell, dispone, wadset, or impignorate the lands and estate above mentioned, or any part or portion thereof, nor grant infeftment of annualrent or annuity forth of the same, or any other right, redeemable or irredeemable, whatsoever; nor should he