

- No 1. party inhibited ; and the Master must be inhibited *de novo*, *ergo non est satis* to say, that he was *in mala fide*, but also he must be formally inhibited ; what is necessary against the heir, must also be necessary against the contractor. *4to*, The words of the act of registration of inhibition 1581, cap. 119, which ordains the same to be registered in the sheriff's books, where the party inhibited dwells, which infers necessarily, that the party may be inhibited. *5to*, The practique betwixt Syme and the Laird of Coldingknows.

Kerse, MS. fol. 60.

A. against B.

- No 2. INHIBITIONS and interdictions should be registered within forty days after the publication of them, and the leters and executions should be signed with the subscription of the clerk, and delivered to the party, within 24 hours.

Auchinleck, MS. p. 108.

A. against B.

- No 3. A bond being assigned with the whole effects thereof, and all right that the cedent had to the said bond and sum therein contained, the assignation carries the assignee to have right to an inhibition served by the cedent upon the said bond, although the assignation contained no special mention of the said inhibition, yet seeing it was not specially reserved, it is presumed to have been disposed as accessory to the bond.

Auchinleck, MS. p. 108.

. See No 7. p. 6303. *voce* IMPLIED ASSIGNATION.

A. against B.

No 4.

INHIBITION may be raised and executed against an apparent heir.

Auchinleck, MS. p. 109.

SAMUEL BLACKBURN *against* JAMES LAMB.

No 5.

IN an action betwixt Samuel Blackburn and James Lamb, the LORDS found, that an infetment holden of the King, free burgage, would not stop the comprising, in respect the lieges were inhibited of before at the instance of the comprising. The like decided betwixt George Gibson and Alexander Them-

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.