

hibition must impede any disposition of property; the obligation in the bond being to infest in annualrent.

No 33.

THE LORDS repelled the second allegiance in respect of the answer thereto; and, before answer to the first allegiance, ordained trial to be taken if my Lord Cardross was in Scotland the time of executing the inhibition, and if his being within the kingdom was publicly known; and, before answer to the third, ordained the bonds and infestments to be produced.

Harcarse, (INHIBITION.) No 640. p. 176.

1688. *June.* WATSON of Saughton *against* SIR ROBERT BAIRD.

No 34.

FOUND that inhibitions relative to lands in the barony of Brughton, should be executed at the cross of the Canongate, as the burgh of regality; and therefore found an inhibition as to the foresaid lands executed at the cross of Edinburgh, null and void.

Harcarse, (INHIBITION.) No 642. p. 177.

. Fountainhall reports this case :

1695. *February 26.*—THE LORDS having considered the bill and answers, between James Watson of Saughton and Sir Robert Baird of Saughtonhall; they reduced the said James's inhibition, because not executed at the market-cross of the Canongate; in regard they found it proved, that the lands of Dalry-mills lay in that regality. It was *argued* by some of the Lords, that it was evident the Abbot had dismembered them from his regality, and that they had always answered by suit and presence in the shire, being called in the suit rolls; and did serve heir in the sheriff-court, and not in the regality. But it was *replied*, That in heritable bailiaries, the Abbot could not disjoin; and in services, any of these jurisdictions were competent and cumulative. Saughton judging himself grieved by this interlocutor, gave in an appeal and protestation for remeid of law to the Parliament.

Fountainhall, v. 1. p. 673.

1697. *December 9.* MILL *against* NICOLSON'S CREDITORS.

No 35.

MERSINGTON reported the competition between Alexander Mill of Carriden, and the other co-creditors upon Sir William Nicolson's estate of Cockburnspath. Carriden had both adjudged and inhibited; but his adjudication was found null, because he had charged Sir William's son only to enter heir to his father, who was never infest in the barony of Cockburn's-path; whereas he should have charged him to have entered heir to his uncle Sir John, who

Effect, in a ranking of adjudications, of an inhibition found ineffectual as to certain lands, but good as to others.