INFEFTMENT.

No. 1. 1745, June 19. CAMPBELL *against* CAMPBELL.

THE deceased Ronald Campbell was infeft in Auchinbreck estate in an annualrent effeiring to L.7000, and in a year thereafter the annualrent and 4000 merks of the principal were paid upon a discharge and renunciation, which remained in the debtors hands 16 years, and till after the creditor's death,—and at counting with this Ronald the son, Auchinbreck was found debtor in a larger sum, and instead of a new heritable bond the former discharge and renunciation was given up, and the whole L.7000 was by a separate writing declared resting, but no infeftment or diligence had intervened. Now in the ranking of this estate it was objected to the L.7000 debt by giving back the discharge, but upon report of Kilkerran the objection was repelled.

No. 2. 1750, Feb. 15. CLAIMS on SIR JAMES KINLOCH'S ESTATE.

See this case No. 13. *voce* FORFEITURE.

INHIBITION.

No. 1. 1734, Jan. 10. HAY of Strowie *against* CREDITORS of SIMPSON.

THE Lords adhered to their preceding interlocutor sustaining the objection against Dr Hay's inhibition, that it was not executed at the head burgh of the Regality of Dunfermline, and repelled the allegeance of *communis error*.

No. 2. 1737, June 29. CREDITORS of ROSEBERRY *against* GEDDES.

See Note of No. 7. *voce* FRAUD.

No. 3. 1737, Nov. 16. LADY MARGARET, &c. PRIMROSE *against* THE COMMISSARY CLERKS.

THE question was, Whether an inhibition taken out by Sir William and Alexander Nairne upon a depending process as liable for taking an insufficient cautioner in a confirmation should be recalled or not? It carried by a great majority to recall the inhibition *renitente* Justice-Clerk, Drummore, and I think Kilkerran. Amongst other reasons for recalling, Arniston gave one reason, that no prohibitory diligence of that sort should go against any trustee or officer for any thing done in execution of their trust, and instanced the case of the Marchioness of Annandale, against whom the Lords granted letters of