

No 8.

** Haddington reports the same case.

Ross, assignee constituted by Mr Alexander Syme's wife, pursued the Lady Coldingknows for reduction of some infeftments obtained by her from the Laird of Elphinston, after inhibition served by them or their authors. Coldingknows offered to improve the inhibition. It was *alleged* that nothing could be improved but the publication, because the personal charge was not necessary against the contractor, and alleged the practice betwixt the Laird of Saintmonans and his uncle. Nevertheless, the LORDS found, that in inhibitions, it was necessary to inhibit the party contractor personally, or at his dwelling place, because the command of the letters contains that direction.

Haddington, MS. No 2566.

No 9.

1615. *January 31.* LORD TULLIBARDINE *against* LAIRD OF CLUNY.

IN an action of reduction *ex capite inhibitionis* pursued by my Lord Tullibardine *contra* the Laird of Cluny, the Lords repelled an exception proponed upon a prior contract and inhibition, because the prior contract contained not a bond to infest, but a bond for sums of money; and would not receive the inhibition by way of exception, but repelled, *salva actione*.

Kerse, MS. fol. 60.

No 10.

1615. *June 15.* THORNATON *against* BULTY.

IN an action of suspension betwixt Donald Thornaton and Robert Bulty, minor, against whom decret was recovered as charged to enter heir to his goodsire; the Lords received this renunciation by way of suspension; and also received a renunciation, with this limitation, 'renounces all lands and successions pertaining to his goodsire, except those lands which are contained in his father's contract of marriage; and wherein the goodsire is obliged to infest his father;' whereupon inhibition was used, because that the LORDS found, that the contract with the inhibition preceding the debt was *titulus singularis*.

Kerse, MS. fol. 60.

No 11.

1616. *July 16.* INGLIS *against* LAIRD OF CORSTORPHINE.

IN an action of reduction *ex capite inhibitionis* pursued at the instance of Thomas Inglis *contra* the Laird of Corstorphine, the LORDS found, that an in-