

No. 4. 1738. *January 26.* CORSAN, and RAE her Husband, *against* MAXWELL.

AN inhibitor having afterwards adjudged and reduced a voluntary disposition *ex capite inhibitionis*, the inhibition was not found purgeable by payment of the principal sum, annualrents, and penalty due upon the original bond at the date of the inhibition, nor even at the date of the offer, but only by payment of the accumulated sum in the adjudication, though deducted long after, and annualrents thereof; for the Lords thought that the inhibition secured the debt itself, and all diligences led or to be led upon it, (notwithstanding the decision observed by Lord Newton, 9th February 1683. (DICT. No. 116. p. 7048.) *Vide inter eosdem voce BONA ET MALA FIDES*, No. 4.

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No. 5. 1738. *February 14.* HARVIES *against* GORDON.

REDUCTION of a sale and disposition of lands being raised, and inhibition on the dependence, and the Lords having sustained the disposition, but found the defender liable for a higher price; the sums decerned for, because not libelled, were found not to be secured by the inhibition.

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No. 6. 1738. *June 27.* PRICE *against* MAJOR JOHNSTONE.

INHIBITION for a great sum being raised and executed on a summons against one out of the kingdom, and the pursuer refusing to insist till the day of compearance, which was still blank, and the defender not having a copy to call upon, in order to get protestation; the Lords would not recall or restrict the inhibition without some evidence how much was due, nor oblige the pursuer to insist before the day of compearance; but ordered him to furnish the defender with a copy having the day filled up, that he might thereupon get protestation after that day, or raise a summons *prævento termino*.

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No. 7. 1742. *February 17.* A. *against* B.

INHIBITION on a gratuitous bond payable after the granter's death, and only failing issue of him, the Lords thought such inhibition could not pass