

## IMPLIED ASSIGNATION.

### S E C T. I.

The principal conveyed, accessories follow. Conveyance of a subject to which the disponent has no right.

1605. July 19. LAIRD of Craigie *against* BOYD.

THE Laird of Craigie pursued Boyd of Penkill for redemption of certain land pertaining of old to Sir William Hamilton, who made Sir Lewis Bellenden assignee to the reversion given to him by Penkill, which Sir Lewis made Captain James assignee, Captain James made Mathew Finlayson assignee, and Mathew Finlayson disposed the lands to Craigie.—It was *alleged*, That Craigie produced no right made to him of Boyd's reversion, and so could not redeem.—Craigie *answered*, That he was infeft in the land by Mathew Finlayson, and had the reversion in his own hand, and thereby had good right to it, and to redeem; and alleged practicks John Sharp against the Crown, and Curroun against Curroun\*.—It was *duplicated*, That in these cases the parties that were infeft pursued for delivery of the reversions, and obtained decret to verify the reversion to pertain to them, before they pursued any redemption.—Notwithstanding whereof the LORDS repelled the exception; found that the said infeftment was a sufficient right to the reversion; and that Craigie might redeem without any other declarator.

*Fol. Dic. v. 1. p. 422. Haddington, MS. v. 1. No 933.*

1610. June 28. BLAIR of Balgray *against* WILLIAM GRAY.

BLAIR of Balgray contracting with Parbroth anent the alienation to Balgray of a room of Parbroth's; thereafter Parbroth analzies the same room to William Gray of Bandiran. Balgray charged Parbroth upon his contract. Parbroth suspends, and finds William Gray caution in the suspension. Balgray obtains protestation upon the suspension, and raises inhibition upon the act of caution. Thereafter William Gray analzies that land to Gray of Bategarno; which alienation Blair, brother to Balgray, assignee constituted by Balgray to the contract past between Balgray and Parbroth, seeks to reduce upon the inhibition served

\* Examine General List of Names.

#### No 1.

A person sold lands under reversion, and afterwards sold them irredeemably. The last buyer was found to have right to the reversion, and entitled to redeem in virtue of it, though it was not expressly assigned to him.

See No 3.

#### No 2.

Assignment to a contract, on which inhibition followed, found to give the assignee title to reduce *ex capite inhibitionis*, tho' the inhibition was not expressly assigned.

See No 71