

in the regality, and could not annul the inhibition, as it is executed at the party's dwelling-house, and at the head burgh of the sheriffdom within which the dwelling-house is, for the lands libelled, which lay within that regality; for he *alleged*, that that neither was, nor could be the mind of the act of Parliament, seeing the same extends only to make such inhibitions null, which are not execute at the head burgh of the regality, for such lands only as are within the regality; and cannot annul the same for the lands within the sheriffdom, at the head burgh whereof it is executed, no more than if he had been inhibited, personally apprehended, and executed against the lieges at the head burgh of the sheriffdom, he dwelling at that time within the regality, where no execution was made, *quo casu* the inhibition could not fall for the lands within the sheriffdom, *ergo* no more here, and therefore it is clear that the act of Parliament cannot extend thereto; which reply was repelled, and the exception still sustained, in respect of the act of Parliament, which declares such inhibitions null without restriction, or words taxative, but indefinitely.

Act. *Advocatus et Nicolson.*

Alt. *Stuart et Fletcher.*

Clerk, *Gibson.*

Fol. Dic. v. I. p. 262. Durie, p. 419.

* * The like was decided Jan ury 1732, Stirling against Jamieson.

See APPENDIX.

1662. July 18.

SWINTON against _____.

THE said William Swinton having used inhibition against _____, at the cross where he lived, she falls heir thereafter to another person, and immediately disposes that person's lands, whereupon William raised reduction of that right, *ex capite inhibitionis*. The defender *alleged* absolvitor, because the lands disposed lye not within the shire where the inhibition was used. The pursuer *replied*, the land fell to the inhibited person after the inhibition; and the pursuer did all he was obliged to do, or could do till that time; which if it was not sufficient, creditors will be at a great loss, as to lands acquired or succeeded in after inhibitions.

THE LORDS found the defence relevant, that the inhibition could not extend to lands in other shires, befalling to the inhibited after *quocunq; titulo*; but that the pursuer ought to have inhibited *de novo*, or published and registrate in that shire, seeing all parties count themselves secure, if no inhibitions be registrate in the shire where the lands lye, without inquiring further.

Fol. Dic. v. I. p. 262. Stair, v. I. p. 128.

No 60.

No 67.

Inhibition found not to reach lands acquired after it, and lying in another jurisdiction than that in which it was published and registered.