

1741. *November* —.NISBET *against* BAILLIE.

ALEXANDER NISBET having, in 1677, purchased the lands of Carphin from Baillie of Carphin, got from the Lady Jerviston, Carphin's wife, a disposition to the lands of Jerviston, in real warrandice; and having been obliged to redeem an adjudication led against the lands of Carphin by Jordanhill, in 1691, upon a debt, upon which inhibition had been executed against Baillie of Carphin, in the 1675; in an action of recourse upon the lands of Jerviston, at Nisbet's instance, it was *argued* for the heir of the Lady Jerviston, That no recourse was competent, further than to the extent of the principal sum, annualrents, and penalty in the bond, on which the inhibition proceeded, but not for the annualrents of the accumulated sum in the adjudication; because no further could Jordanhill have reduced Nisbet's disposition *ex capite inhibitionis*.

Which the LORDS "Repelled, and sustained the recourse for the accumulated sum in the adjudication, and annualrents thereof."

*Fol. Dic. v. 3. p. 324. Kilkerran, (INHIBITION.) No. 2. p. 285.*

No 118.

Inhibition secures not only the debt, but all diligence following thereon.

1741. *December 3.*DUNBAR *against* STEWART'S Creditors.

IN the ranking of the Creditors of James Stewart of Castlehill, John Dunbar of Burgie, having produced a decree of the Privy Council, against Castlehill, for L. 2000 Scots, with inhibition upon it, in 1705, and adjudication thereon, in 1737, the LORDS found, "That he was preferable to the creditors, whose debts were contracted after the inhibition, not only for the sum in the decree, but also for the accumulations in his adjudication."

*Fol. Dic. v. 3. p. 324. Kilkerran, (INHIBITION.) No. 3. p. 286.*

No 119.

Found in conformity with the above.

\*.\* Clerk Home reports this case.

IN the ranking of the Creditors of Castlehill, Dunbar of Burgie produced a decret in the year 1705, of the Privy Council of Scotland, against Castlehill, for L. 2000 Scots, with an inhibition thereon, in January 1705, and an adjudication on this ground of debt, in November 1737; and craved that he might be preferred to the other creditors for the principal sum and annualrents due thereon, since the date of his adjudication. The other creditors likewise produced several heritable and moveable bonds, granted by the common debtor, posterior to the inhibition, and agreed that Burgie should be preferred for the sum contained in the decret, upon which inhibition was used; but objected, that the creditors, who are infest prior to Burgie's adjudication,