

causa cognita, and therefore though it passed not being opposed, they refused to sustain it to reduce a posterior onerous transaction.

No. 7.

1742. *June 2.*

CREDITORS of STEWART of Castlehill *against* DUNBAR of Burgie.

No. 8.

INHIBITER afterwards adjudging, found preferable to rights granted after inhibition, and before his adjudication, not only for the sums contained in his inhibition, *i. e.* principal annualrents and penalty of the bond on which the inhibition proceeded, but also for the accumulated sum in his adjudication and interest thereof, which is all secured by the inhibition;—and adhered to 2d June 1742. *Vide* Corsan and Rae's Case, No. 4. *Vide* Cleugh *against* Seller, No. 11. (See DICT. No. 119. p. 7053.)

* * The Lords pronounced the like interlocutor in another Case, 5th February 1742, Nisbet *against* Baillie. (DICT. No. 118. p. 7053.)

1743. *July 19.* TUDHOPE *against* His WIFE and CHILDREN.

No. 9.

INHIBITION being duly served on a bond of provision by a man to secure 4000 merks to himself in liferent, and to his wife to a certain extent in liferent, and the children in fee, and providing also certain proportions of the conquest to the wife in liferent, and to the children in fee, and having sold lands, he, to purge this incumbrance, raised reduction *against* his wife and children of this inhibition. Sustained the reasons *quoad* the conquest, and repelled them *quoad* the wife's special liferent of the sum. Reported it as to the children's interest in the sum. The report was *ex parte*, and the Lords sustained the reasons as to the children, for they looked on the father as *fiar*.

1749. *February 22.*

ROBERT BLACKWOOD *against* MARSHALL and WILSON.

No. 10.

A COMPLAINT was offered of an inhibition on a decret of Session that it was invidious, because the debtor was solvent, but would not pay, because, as was supposed, he intended to appeal. The complaint was refused, (but only by one voice.) The Court was equally divided. (See DICT. No. 51. p. 6982.)