

and Rae, and did the same afterwards 5th February 1742 Nisbet against Baillie; and 2d June, on a reclaiming bill by the creditors, adhered. Again found 14th June 1743, Govan against William Hay.

\* \* In the case of Nisbet, the Lords adhered to my interlocutor, as to the inhibition and adjudication, but prejudice to be heard on the extent of the sum truly paid.

No. 9. 1743, July 19. TUDHOPE *against* HIS WIFE and CHILDREN.

I reported *ex parte* a question to the following effect;—Tudhope, by a bond of provision, became bound to lay out and bestow 4000 merks and to take the securities to himself in liferent, and to his wife to a certain extent in liferent, and to the children of the marriage in fee, and providing also certain parts of the conquest to the wife in liferent and the children to be procreate in fee,—and friends named at whose suit execution should pass;—and they raised and executed inhibition upon it. Tudhope the father having sold some land, the buyer suspends the minute on account of this inhibition,—which coming before me I found that that encumbrance behoved to be purged;—and in order to that Tudhope raised reduction of the inhibition, which was remitted to me,—and I sustained the reason of reduction in so far as concerned the clause of conquest, and repelled it as to the wife's liferent of the sum certain. But as there was no compearance for the defenders, the wife and children, I reported the question as to the children's interest by the bond of provision, and the Lords sustained the reason of reduction, for they thought the father was fiar and therefore might dispose.

No. 10. 1749, Feb. 22. ROBERT BLACKWOOD *against* MARSHALL, &c.

MARSHALL on a decret of ours charged Blackwood with horning, and executed inhibition. Blackwood complained of the inhibition as invidious, and upon the vote, five and the President were for stopping, but it carried to refuse. *Pro* were Milton, Minto, Drummore, Dun, Strichen, *et ego*. *Con.* were Kilkerran, Justice-Clerk, Monzie, Murkle, Shewalton, and President.

No. 11. 1750, Jan. 16. CLEUGH *against* WILLIAM SELLERS.

LANDS being purchased after inhibition, and afterwards reduced *ex capite inhibitionis*, and then adjudication led, which is as old as 1711; the adjudication was found effectual against the purchaser as to all the legal consequences of it, not only the accumulations, but also the benefit of the legals expiring, agreeably to the decision, 28th January 1738, Corsan against Rae, (No. 4.) and 3d December 1741, and 2d June 1742, Stewart against Dunbar of Burgie, (No. 8.)

No. 12. 1750, Feb. 2. CREDITORS of HOPE of Kerse, *Competing*.

IN 1734 a process of mails and duties was raised by Horsburgh, and the creditors having raised a multiplepointing, four other creditors compeared, viz. the Society for