

1725. December 17. TAYLOR *against* CREDITORS of WATSON.

No 89.

IN a competition betwixt Taylor and the other Creditors of Mr David Watson, the LORDS found, that inhibition is not a habile diligence for affecting the emoluments or price of any office. See APPENDIX.

Fol. Dic. v. 1. p. 473.

S E C T. IV.

Inhibition has Effect only against Voluntary Rights.

1592. July. CULLERNY *against* SIBBALD.

No 90.

THE Laird of Cullerny pursued Sibbald, Lady Pitblado, to hear and see certain infestments made to her of the lands of Pitblado by her husband to be reduced and declared null. The reason of the summons was, his father obtained a decree of warrandice against the Laird of Pitblado, husband to the defender, to warrant to him certain assignations of reversions, and therefore, to put himself *in tuto*, caused serve inhibitions publickly; and so the infestments made after to his wife *stante inhibitione* ought to be reduced as done *in fraudem creditoris*. It was *answered*, That the infestments of conjunct fee made to his wife could not be reduced notwithstanding of the said inhibition, because it was given *intuitu matrimonii*; and as it was leisom to the Laird of Pitblado, *non obstante prohibitione judicis*, so there behoved, and it was leisom to give the wife a conjunct fee *ad sustinenda onera matrimonii*, the which was not perpetual, but suspended the action during the wife's lifetime. THE LORDS, for the most part, found the exception relevant, and that the person who was inhibited might thereafter marry, and give conjunct fee to his spouse, notwithstanding of the inhibition.

Found that a person inhibited, may, if he marry, dispone in conjunct fee and liferent to his wife *ad sustinenda onera matrimonii*, such a right not being perpetual.

Fol. Dic. v. 1. p. 474. Colvil, MS. p. 474.

1614. March 4. OLIPHANT *against* KEITH.

No 91.

IN an action of reduction at the instance of Henry Oliphant *contra* John Keith for reducing of an infestment *ex capite inhibitionis*, the LORDS found, that the infestment of property which proceeded upon a contract which was

An infestment of property was reduced *ex capite inhibitionis*, al-