

Chapter 5.  
Of Inhibition.

Inhibition is either of lands and other heritable rights  
of tithes.

Art. 1.  
Of Inhibition of lands and other heritable  
Such Inhibition, is a personal prohibition by virtue of  
which the Signet; obtained upon a Common Bill by any creditor  
Real or personal, Discharge his Debtor to sell or dispose of  
any ways ~~the~~ his lands or heritable rights from being  
Impleaded, to the prejudice of the Creditors claim or debt due  
him, but the same be so limited.

They have no such legal Diligence that I know of in  
Law of England as our Inhibition. But the rise of it is  
as Ancient as the base Custom of persons Dilapidating  
and putting away their estates to disappoint the payment  
their Just debts. In which when Inhibition is granted  
as well as lands, a warrant for it was granted by the Lord  
of Session, upon a petition, after due Consideration of the  
Petitioners Circumstances thereof, the probability of  
their diligence to affect their debts, it might be proved  
by voluntary deeds and Qualifications in favour of  
But now when the effect of Inhibition is not so extensive,  
it issued forth upon a Common Bill, representing, that the  
party Craved to be Inhibited, is like to Discharge the  
pleurers Just debt or Claims, by Alienating his estate,  
Contracting unnecessary debt to affect it; and knowing that  
he may be prohibited to sell or alienate or Contract Debt  
the Signet to accept of such rights or to Contract with him  
till he satisfy the debt or obligation he lies under to the Com-  
plainer. The ordinary upon the Bills passeth the Bill of  
Inhibition, by signing a Decree thereon of Course, with-  
out special Consideration of the Contents. Upon which passeth  
Letters of Inhibition in the Kings name under the Signet  
are provided, which run thus; George the second by the grace  
of god &c. for so much as it is humbly Meant and Shown  
to us by our Lovit A. That where B. By his bond &c. (the  
the writes are narrated upon which Inhibition is Craved  
and the said B. the Debtor knowing, that the Complainers

Will <sup>also</sup> execution against him his lands and estate for satisfying  
of his said obligation action or Decree; Does therefore Intend in  
Defraud or prejudice of the Complainer (as he is Informed to sell,  
alienate or dispose of his lands or other heritable rights  
call and sundry his lands here lyes tenants annual  
rents life rents Leases to all Readings Rooms possessions Corns  
Cattle goods and gear &c. &c. &c. &c. &c. &c. &c. &c. &c. &c. &c. &c.  
and if he be worth of the Kingdom of the Marches of Scotland  
he has and shall have such lands as he is entitled to by  
claimation of his lands here lyes tenants annual  
rents life rents Leases to all Readings Rooms possessions Corns  
Cattle goods and gear or any part thereof, or any other  
deeds or contracts or any other way whatsoever the said  
lands here lyes tenants annual rents life rents  
possessions may be or shall be disposed of in any way  
in prejudice of the Complainer or of the Creditors claim  
of the said obligations, Decrees or Decrets. And we will that  
you in our said name and Authority do and cause to be done  
and our Letters of Inhibition and warrant under the Signet  
our proclamation at the Marches of the Kingdom of Scotland  
or Legality where the said B. Debtor and his heirs, shall  
they nor none of them presume or cause to be done, to sell  
buy land or accept any right from him or his heirs, or  
rents life rents Leases to all Readings Rooms possessions  
Cattle goods and gear, or  
accept from him any bond obligations or any contracts where-  
by any part of the same may be assigned or subject or any  
ways Craved from the said B. Debtor to Justice.  
Because the words of our Comptroll and Letters are so  
said Bond, obligation Decree or process, as the will and intent  
of the said Letters is that the said Debtor should not be  
allowed to sell or dispose of his lands or other heritable rights  
in any way whatsoever in prejudice of the Creditors claim  
of the said obligations, Decrees or Decrets.

But upon the application of any party, the Lord is in  
use to Refuse to pass Inhibitions, where Real and  
for stopping them are offered. Thus Inhibition was Refused  
against an apparent heir; neither Charges to enter nor  
pursued on the passive Gills 18 January 1622 Melroir  
contra an apparent heir. Tho it was Sustained against  
such a one, where he after ward entered heir and sold the  
Lands