

Land of his predecessor the Inhibitor Debtor July 1623
 Kirkwood contra Bellshiel. Nor would Inhibition be granted
 a Conditional obligation. Because the Debt where on it is found
 must have Para Land Executionem at least must be obligatio
 in rem Certain, qui fessit licet non vult, and a Conditional
 obligation is obligatio only in Spe 17 Febr. 1713 Weir vpp
 Contra Deuchar Hair etc. Febr. 20 & 29. Inhibition is not a
 upon a Clause of Vans and ice, which a plain ground of Dis
 stress were Inhibited Hair etc. Nor yet might Inhibition be
 past at the distance of a wife a gaind nor husband upon their
 Contract of Marriage; for performance of obligation is not
 to their Joint Interest: it is for obliging a trading Merchant
 Quoniam his wife's Deuchar would be such of his own stock
 in hand or administration for the wife when he shall not
 special stock be due to trade with, which he be negligent
 in hand or do trade Imprudently 11 January 1623 Laird
 his husband Hair etc. Febr. 20 & 29. Because otherwise the
 being up a merchant to employ his stock, would Ruine
 trade and families. Inhibition was given. Cause to be
 against her husband who was not a trader 15 July 1623
 Deuchar contra her husband.

Inhibition may be had not only upon a deed or fessit
 bond, but upon any obligatory writ tho not recorded, or
 a depending action. Thus Inhibition was sustained upon a
 summons of court and returning Albeit the Concussion
 of the libell was not special as to the sum or grounds
 for which the process was raised, to ascertain the Lieges
 Extent and Import of the Diligence. Because such summons
 may be relevantly libelled in General terms, which ought
 rather to be done than to libell at Randum great sums,
 when upon Inquiry a small balance only may remain.
 and since Law allows Inhibition upon any depending action
 must receive its form and shape from the action where
 on it is founded. Of which Hard ships debtors may find
 Relief by applying to the Lords to liquitate or Restrain the
 sum for which Inhibition is served. Novemb. 17 22
 Competition of the Creditors of Bellshiel of Gofts. Inhibition
 wa

was refused to be granted against the bank of Scotland upon a
 depending action against the Managers thereof for payment
 of their notes that are payable to the bearer 11 Febr. 1724 The
 Royal Bank vpphants contra the Bank etc. the same
 Cause that agreement was done for the Debt of the
 Pag. 1205. Inhibition may be obtained upon a General charge to enter
 hair, in so far as that court shall be herein as in the
 General charge 17 Feb. 1713. Inhibition is not
 contra personell. For the General charge is not in
 General, but the Charges are diverse, and the persons
 not alike to whom Inhibition is granted. It will be raised
 upon a General charge mentioning the Debt due to the
 etc., where by the Liages are to be raised also licet
 we find otherwise they are not to contract with the
 person. Being such a charge to enter hair, considered as the
 commencement of a process, it is not to be made
 litigious, and therefore to prohibit, and the creditor is
 with charged and Debtors apparent. He is not to
 himself by Inhibition, the charge would alarm the merchant
 him upon Methods to Discharge his payment. In such a General
 charge may be executed against an apparent extra in
 Deliberation, it may be sufficient to get Inhibition there on
 to secure against his deed in the interim.

Inhibition must be published and served by a messenger
 against the person Inhibited, within Scotland, personally
 or at his dwelling place. The Inhibitions need not be published
 or executed against those Inhibited personally, as the Distiguish
 Shire, Deaford: Because persons are remarkable for service, and
 Inhibited against their Will. And if the Inhibited person be
 out of the Country, the Inhibition must be served at the
 market Cross of Edinburgh, and those of Liege which
 will serve for a prohibition to him to contract, and to others
 out of the Country to contract with him. Howard answers
 Go Durtel Doubt Got. Inhibition. Because every Scottish Man
 is presumed to have a procurator at Edinburgh, which is Com
 munitatis patrie, 20 Go full the Lieges Within the Country in
 Mala fide to bargain, Inhibition must be executed, as In
 diction, at the head burgh of the Shire Stewartry or Regality
 where