

fide, the prior to the Registration thereof <sup>12</sup> Feb. 1676 Cruick Shann  
 contra Hat. As hath been already taken Notice off. & that after  
 Publication of the Inhibition, the Diligence is complete and Effectual:  
 Reductor sub conditione, if it be not Registered in due time. But In-  
 :hibition is not effectual against anterior voluntary Right, which  
 person Inhibited stood obliged to grant before Inhibition was ser-  
 :ved. See Wood frat. Jit. Inhibition. Hair lib. 4 Jit. 35 § 21 ven.  
 :hibition is only Effectual. Whether that prior obligation be nam-  
 :ed to grant an Infeftment in Wadset, Annual rent, Security,  
 :wardance out of certain land; or general, as to grant such pay-  
 :ment without Expressing the kind 22 July 1677 Gordon contra  
 :leator and others Hair lib. 4 Jit. 20 § 29. one having after he is  
 :hibited at a creditor's instance, disposed certain lands to others  
 :Implement of his anterior Bond to Relieve them of their obliga-  
 :tion to Infeft a Lady in these lands. The Disposition was found in-  
 :validly supported against Reduction ex Capite Inhibitionis,  
 :the Bond of Relief granted before Inhibition 16 January 1711  
 :Gordon contra Gordon and others. Albeit where a Debtor  
 :solvent Collectively suffers Decree to pass against him in dis-  
 :posal Deponing upon the verity of a Debt referred to witnesses  
 :such a Decree might be quarrelled upon the Bankrupt Act  
 :1621: Yet a Decree in absence holding an Inhibited party  
 :Confessed upon a debt due by him to the claimant of the Debt  
 :was not Reduced ex Capite Inhibitionis, the Inhibited person  
 :being dead, and his Creditors mean of proof lost when the  
 :Decree was called in question 11 July 1711 Cairn of Drum-  
 :kilbo contra Belfon of Kilric. But it would have been otherwise  
 :had the party Inhibited been a live. For tho' by the Civil Law  
 :one is not understood to alienate to the prejudice of his Creditors  
 :who binds to acquire what he might have had; nor has  
 :hath not left it in the power of a debtor to repudiate any  
 :whereby his Creditors might be grieved. *Supra* pag. Where  
 :separate obligations are granted successive for the same cause  
 :as personal bonds before Inhibition, and heretable bonds  
 :of Corroboration after; the bond of Corroboration is Recu-  
 :sable upon the Inhibition anterior thereto, unless the personal  
 :bond contained an obligation to grant such a Corroboration  
 :Hair lib. 4 Jit. 20 § 29 Jit. 30 § 18. Norgel is Inhibition  
 :effectual against Diligence of suppressing or adjudication  
 :for debt anterior to the Inhibition Hair ibid. § 19 *McKenzie*

Just lib. 2 Jit. 11 § 3. The Debtor be denounced and his escheat gifted  
 upon a Bond granted by him after Inhibition served against him, neither  
 homing nor gift can be Reduced ex Capite Inhibitionis; nor would they  
 if the bond were Reduced, fall in consequence. Because the King is  
 not concerned upon what ground a person is at the law, and if  
 the homing thereon be formal, the gift thereon is good: For In-  
 :hibition doth only secure the Creditor against voluntary rights  
 :granted by the Debtor; and doth not bind his estate to be taken  
 :for crimes committed by him, which is understood to be the  
 :Jit. Inhibition. Nor hath Inhibition any effect against a nomi-  
 :cations of temporary heretable Right, or Wadset or Infeft-  
 :ments of annual rent which are necessary upon payment 11 July  
 :16 by Elms contra Keith Hair lib. 50 § 20. Beek Beek  
 :Creditor suffers much prejudice by such Inhibition: If a  
 :Creditor of a life renter or Wadsetter, be inhibited by way of Infeft-  
 :ment to the Reverser, that the Debtor or life renter stands  
 :hibited at his instance, the Debtor or life renter can only be  
 :Relieved by way of delivery of the estate to the Debtor, or  
 :reverser (See) or by suspension of Double payment upon foreign  
 :Signature of the money for which the Reverser's right was made  
 :act of seder. 19 Feb. 1680.  
 :Inhibition hath no effect against rights granted by the Inhibited  
 :person's heir, Hair lib. 50. At the heir or Executor of a Debtor  
 :in whose hand arrestment was used, may pay some fine without  
 :regard to it. But like the Inhibited person may not his  
 :heir be thereby bound; yet the Statute 1661 (act 29 Par. 1. 1661  
 :Ch. 2) prohibits the heir to alienate the estate: Where  
 :as an heir in whose predecessor's hand arrestment was used  
 :may safely pay when he pleases.  
 :The action arising upon Inhibition, is called Recu-tionea  
 :Capite Inhibitionis, which by deeds Contrary thereto may be  
 :Redeemed and annulled, <sup>as to one's special and heritable</sup> as to one's special and heritable  
 :of the Inhibition, till that he satisfies, and so it is but a qualify-  
 :ed Reduction pro tanto. For such a right of Recu-tionea may be a title  
 :to Reduce other rights than those founded upon the debt where-  
 :upon Inhibition proceeded 7 January 1680 Kay contra Lady  
 :Ballegerne. Inhibition upon a bond or Contract Imports  
 :no more, than that the Creditor having Reduced upon the  
 :Inhibition makes use of it to sustain his right flowing from  
 :such a bond or Contract Stuart answers to Dirlet. Doubts  
 :Jit. Inhibition. At first adjudication being Reduced ex Capite  
 :Inhibition.