Inhibitionis at the Instance of a posterior adjudger; that first adjudication Revives, if the adjudger pay the Inhibiter, or the Inhibiter be Satisfyed by Intromission within the legal of his adjudication Stuart ibid Tit. Comprizing. But if the first adjudger suffer the Second adjudication to Expire, it will exclude him for ever Stuart ibid. Where a whole Barony affected with Inhibition, is thereafter disponed in parcells to Different purchasers, one of these purchasers distressed upon the Inhibition should not have Recourse against the other parcells of the Barony tho equally affected with the Inhibition unless he pay the debt and get right to the Inhibition Stuart ibid. Tit. Inhibition. But one of those purchasers of parts of land affected with an annualrent Distressed thereon, would have Recourse for a proportionable Releif against the Rest ibid. The Reason of the Disparity is, because one who acquires lands affected with Inhibition is in Culpa; which cannot be imputed to a purchaser of lands affected with the burden of annualrent, Stuart ibid.

Tit. 2
Of Inhibition of Tithes

Inhibition of Tithes, is a prohibition given at the Instance of a titular of tithes, to a person formerly in use to Intromett therewith not to do so in time Coming under the Pain of being liable in a Spuilzie. Such Inhibition may be procured either by letters of Inhibition issued forth under the signet by warrand of the lords of Session; or upon a Common precept from the proper Commissary, executed at the Church door by any person as Sheriff in that part, 26 January 1666 E. Eglingtoun contra L. Cunninghamehead. And needs not to be Registred. Such Inhibition Interrupts tacit Relocation in Tithes, and subjects Intrometters thereafter with the Tithes to the pain of a Spuilzie Civil. Supra part 2 Book 2 Chap. 1 §11 part 3 Book 2 Chap. 2 Tit. 2 Sect. 5). It continues but for a Year and therefore must be Annually Raised and executed McKenzie observ. on act 119 Par. 7 J. 6 Dallas stiles pag. 423. The Reason of ~~[illegible]~~ these Differences betwixt Inhibition of Tithes and Inhibition of lands is: Because the former is not, as the latter, Designed to put Singular Successors in Mala fide to Contract with the party Inhibited but is a Meer Citation used by the Titular, for Interrupting use of payment or tacit Relocation.

Chap.

Chap. 6.
Of apprizings and adjudications.

The Simplicity of our ancestors knew no Execution of goods belonging to their Debtors, but held it sufficient to oblige them to pay their Debts by committing them to prison, that the uneasie hardship of Confinement, might induce them to dispose what they had to the Satisfaction thereof. But at length to prevent the great Disappointment and unprofitable delays, that Creditors met with from unjust Debtors, choosing to [illegible] in prison rather than sell their Estates to pay their Debts: It was found expedient and necessary to hit out upon some [illegible] orders, to poind their moveables and apprize or adjudge their heritage without their Consent.

Apprizing or Comprizing in Latin appretiatio is a Decreet or Sentence of a Messenger [illegible] whereby a person's land [illegible] for payment of [illegible] annualrent [illegible] 25 [illegible] 1623 E. Errol contra [illegible] 14 [illegible] 1623 [illegible] contra Brown 13 March 1627 [illegible] 18 feb. 1623 [illegible] not conceived in favour of [illegible] to belong to his Creditor [illegible] §15 of a liquid [illegible] Clear debt [illegible] Destination of [illegible] payable without [illegible] stituted by a Decreet without Infeftment 4 [illegible] 1627 Edgar and Johnstoun contra [illegible] 1629 L. Clackmannan contra L. Barrowne 25 January 1642 Johnston contra Lock 21 July 1666 Thomson contra McKittrick 14 January 1679 Farquharson contra Stuart or constituted by Infeftment and Rendered Moveable by a Charge Stair ibid. §14 Which the Debtor obstinately Refuses to pay, or cannot pay. A Messenger is Made Judge as Sheriff in that part, in place of the Sheriff of the Shire, whose office it was in old time to apprize Lands act 37 Par. 5 J. 3. This was then done at the Market Cross in the same way that Moveables were then and are still poinded act 11 Par. 6 J. 2 McKenzie observ. on d. Act 11. And the Sheriff caused adjust and apprize to the Creditor a proportion of the Debtors land Suitable

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