

S E C T. II.

Inhibitions pass *causa cognita*.

1543. July 11. JOHN MAXWELL *against* LAIRD OF TEELING.

LETTERS of inhibitioun may not be gevin aganis ony Erle, Lord, or Baron, be the Lordis, without ane sufficient and just cause, because the samen is hurtful to mens fame and honour. And mairover, na persoun sould be stoppit in the administratioun of his gudis and geir, without ane lauchful and sufficient cause.

Fol. Dic. v. 1. p. 472. Balfour, (INHIBITION.) No 1. p. 476.

. Sinclair reports this case :

1543. July 31.—THOMAS MAXWELL of Teeling alleging that Thomas Maxwell, portioner of Gilgour, was owing to him great debts, and intended to pursue therefor; and that he, in his defraud, intended to annalzie his lands and goods in the mean time, therefore he got the King's letters, inhibiting the said John to annalzie his lands and goods in defraud of him his creditor; and also, that none of the King's lieges should contract, buy, or sell, with the said John, in defraud of the said Thomas his creditor; which letters were given upon false narration, because the said John was owing him nothing that he could show to the Lords; the said Robert asked to be reduced and suspended simpliciter for the causes foresaid;—THE LORDS decerned the letters suspended simpliciter, *et quia libera dispositio rerum suarum non est alicui, interdicenda sine causa, et quia tales literæ sunt quodammodo defamatoriæ, ideo sine causa non concedendæ.*

Sinclair, MS. p. 54.

1543. July 12. The QUEEN'S ADVOCATE *against* The EARL OF CRAWFORD.

No 72.

THE Queen's Advocate asked letters, by deliverance of the Lords of Council, to make inhibition to the Lord Crawford, to sell or annalzie any lands, or reversions of the said Earldom; and also, that none should contract thereupon in defraud of the Queen, and that, because he was obliged to reserve to the King, and his heirs, and him or them, all the reversions, how soon he were by him or them required; and, for the doing whereof, he was now under summons at the Queen and Governor's instance.—THE LORDS, of long disputa-

No 71.
Inhibition should not be granted against an honourable person, with a sufficient cause.