

1713. July 17.

JOHN WEIR, Perriwig-maker in Edinburgh, Supplicant, *against* ANDREW DEUCHAR, Procurator before the inferior courts there.

No 76.

UPON advising a complaint offered by John Weir against Andrew Deuchar (at whose instance execution was provided to pass upon the complainer's contract of marriage with Elizabeth Davidson, for implement in favours of the wife) for using inhibition against the complainer, upon a conditional obligation therein, before the condition was purified; albeit it could not be pretended, that the complainer was failing in his credit;—THE LORDS finding that there was no present just cause for raising this inhibition, which was done by Deuchar out of mere humour, without advice from the wife, they discharged the same. For though inhibition may proceed upon a conditional debt, it must pass *causa cognita*.

*Forbes, p. 704.*

---



---

S E C T. III.

What subjects are affected by this diligence.—Reaches *acquirenda*.

1603. January 28. BANDEANE *against* BALLEGERNO.

No 77.

FOUND, that an inhibition impedes not the party inhibited, being a beneficed person, to renew tacks to the only and kindly tacksman within the years of the old tack.

*Fol. Dic. v. 1. p. 473. Kerse, MS. fol. 61.*

1620. December 9. AITKEN *against* ANDERSON.

No 78.

THE LORDS found, that inhibition could not affect moveable goods sold in market.

*Kerse, MS. fol. 61.*

1623. March 22. L. BRACO *against* OGILVY.

No 79.  
Inhibitions  
affect only  
heritable  
rights and  
lands.

L. BRACO pursuing a reduction of an assignation made by Mr David Wood to Ogilvy of Carse, of all the corns, goods, and gear, being and growing upon