

## INHIBITION.

1776. July 6. CRAIG *against* ANDERSON.

AN inhibition being raised and executed during the vacation ; the persons inhibited, conceiving it to be done maliciously, and without necessity, applied to the Ordinary of the Bills to have it suspended, and prevented from being put on record. The Lord Kennet, Ordinary, gave a sist upon the bill, and afterwards he reported it to the Lords.

The Lords were of opinion that the suspension was incompetent ; and the Ordinary pronounced this interlocutor :—" The Lord Ordinary, after advising with the Lords, refuses the bill as incompetent, leaving the complainers to apply to the Court as accords." *Craig, &c. Trustees for the Creditors of Heathy, against Anderson, 22d June 1776.*

They afterwards did apply to the Court to have the inhibition recalled. But, in respect that it had been only executed against one of the trustees personally, and that the forty days for recording it was long elapsed, so that it had fallen to the ground and could have no effect ; the Lords found it unnecessary to enter into the merits, and dismissed the petition, 6th July 1776.

1776. July 12. MURRAY *against* GRANT and MORRISON.

AN inhibition, so soon as executed against the party in common form, and against the lieges edictally, is effectual against third parties, even before registration. So held in the hearing 12th July 1776, *Murray against Grant and Morrison.*

HERON of BARGOLY *against* HERON of HERON.

THE Lords are in use to recal an inhibition *causa cognita*, if it appear to be nimious, emulous, or malicious, and especially if it proceeds on a dependance or other claim not liquid. But, where none of these things concur, they refuse to compel private parties to part with any security which the law gives them. Accordingly, in the case of Heron of Bargoly *contra* Heron of Heron, they refused to recal Bargoly's inhibition against Heron, although Heron offered to find caution for the debt.

And they were inclined to follow the same course in a question,

1775. December 23. EARL of DUMFRIES *against* ANDERSON and DAVIDSON,

Although the Earl offered caution. But the petition for recalling the inhi-