

S E C T. II.

After twenty years, warrants need not be produced.

1710. *July*, Competition CREDITORS of MAXWELL of Newlaw.

FOUND that letters of special charge need not be produced after 20 years, even though in the defender's hands. See APPENDIX.—See No 7. p. 174.

Fol. Dic. v. 3. p. 254.

* * * This case is referred to in No 20. p. 5187. as being dated in 1741.

No 15.

1713. *February 20.*

THEODORE MORISON of Bognie *against* The EARL of LEVEN.

IN the reduction and improbation at the instance of Bognie against the Earl of Leven, for sweeping away all rights affecting the estate of Frendraught; the LORDS, upon a report made by the Lord Arniston, found, *imo*, That a decret of apprising recovered from a third party, and produced *ad modum probationis* in a decret of constitution, against one as charged to enter heir in general, was not to be considered as a ground and warrant of the decret; so that in a reduction and improbation of the decret of constitution, and an adjudication following thereon, the adjudger was not bound to produce that apprising which was the right of a third party, in which the adjudger had no interest; and therefore the LORDS refused to grant certification against the decret of apprising. *2do*, THE LORDS refused to grant certification against a general charge to enter heir, with the executions thereof after 20 years, conform to the decision, Brown *contra* Hume, No 7. p. 5169; as after so long time there is no necessity of producing a summons of adjudication with the executions thereof.

Fol. Dic. v. 1. p. 354. Forbes, p. 674.

No 16.
In a reduction of a decret of constitution against a person charged in general to enter heir, certification against the general charge and executions thereof, was refused after twenty years.

1724. *July 29.*

ALEXANDER MACBRAIR of Netherwood *against* JAMES MAXWELL of Barncleugh.

In the reduction of an apprising dated *anno* 1665, the following nullities were objected, *imo*, That the decret of constitution was without proof of the

No 17.
The want of a special charge after 20 years, sufficient to cut off accumula-