

1738. *January 26.*

CORSAN, and RAE, Her Husband, *against* MAXWELL of Barncleugh.

No. 4.

AN adjudger in possession having also a disposition from his debtor, which was reduced *ex capite inhibitionis* by another creditor, (who was also apparent heir,) and then defending himself by his adjudication, then expired, till the legal was found open, and the adjudication satisfied; in the question, *a quo tempore* he was liable in repetition of the rents over what paid his adjudication, the Lord Ordinary found him liable from the decret reducing the disposition; but the Lords found him only liable from the interlocutor opening the legal of his adjudication; and found that his intrusions before that period ought not to be imputed in extinction even of personal debts in the adjudger's person, other than such as could compete with the pursuer's debts and diligence. *Vide inter eosdem, voce* INHIBITION.

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1743. *January 5.* ANDREW SPREULL *against* SPREULL CRAWFORD.

No. 5.

BONA FIDE possession sustained to an heir of a trustee, till the interlocutor finding the trust, against repetition, but not against imputing to extinguish any debts due to him. *Vide* TRUST.

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1744. *Feb. 15, 24.* ANTONIUS LESLIE *against* LESLIE of Pitcaple.

No. 6.

IN the case of the entail, Balquhain, decided February 1741, (*Vide* TAILZIE,) the first appeal, which was that session, was withdrawn for informality, and a new one served in December 1741; before which Pitcaple, pursuant to our decret, got payment of rents for crop 1740; and in April 1742 our decret was reversed; and in a process of repetition of these rents at Count Antonius's instance, the Lords sustained the defence of *fructus bona fide precepti* as to all rents levied before December 1741. (See DICT. No. 6. p. 1723.)