

1741. *February 20.*

YOUNGER CHILDREN of ALEXANDER GUTHRIE, *Supplicants.*

No. 29.

Horning against superiors upon an adjudication in implement, will not pass without an abbreviate.

ABBREVIATES are necessary now by the regulations 1696, upon adjudications in implement upon decreets *cognitionis causa*, as well as on adjudications introduced in place of apprising by the act 1672; and therefore horning against superiors was refused on such an adjudication without an abbreviate, *me referente*. The question first arose between the parties' agent and Mr Inglis, depute-clerk of the bills, who stopt the bill of horning for want of the abbreviate: The constant style of the deliverance of these bills being, 'Because the Lords have seen the decret of adjudication and 'abbreviate thereof.' See the case of King, No. 35. (See DICT. No. 3. p. 204.)

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1741. *July 15.* SPREULL *against* SPREULL CRAWFURD.

No. 30.

ADJUDGER acquiring right to the reversion, which right was afterwards reduced upon fraud, the legal cannot expire while that right remains unreduced. *2dly*, The adjudger having by a transaction, by conveying to other adjudgers his right as to certain subjects, (in order to their selling them) but reserving them as to others, for which he got 7000 merks, he was obliged to impute that sum in part payment of the sums due to him. See 25th July, and 12th December, 1733, and 15th July 1741. *inter Eosd. voce* TRUST. See No. 25.

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1741. *July 23.*

EARL of ABERDEEN *against* CREDITORS of SCOTT of Blair.

No. 31.

Mode of application of payments obtained by an adjudger.

AN adjudger, some years after his adjudication, recovering a partial payment on a furthcoming, and some more years thereafter recovering another partial payment, in a ranking of his debtor's estate, (at least of one of them,) the Lords allowed him to apply the payment recovered on the furthcoming to the payment of the annualrents growing due on his bond after his adjudication to preserve it entire; whereas, had it been applied to the annualrents first due on his bond, it would have extinguished so much of his accumulate sum. *2dly*, They imputed the payment recovered in the ranking first to the annualrents of his accumulate sum, and next to the