

1750. *January 3.*SETON *against* GLASS.

THE lands of Sauchie were purchased from John Glass by Captain Cheap, prior to which, George Seton had inhibited the seller, and also executed a summons of adjudication, in which thereafter the Ordinary decerned; but having omitted to register the abbreviate within sixty days, he enrolled his cause of new, and the Ordinary again decerned.

Whereupon Captain Cheap presented a petition, complaining, *1st*, In general of the adjudication as invidious, in respect the pursuer had no more to do but appear in a multiplepointing, which the purchaser had raised, in which the pursuer and the other creditors were called, and therein, as his debt was preferable, he might for the asking obtain preference, and thereon payment. *2do*, That the inhibition was only a ground of reduction of the purchaser's right, to which, were it pursued, the answer would be good, No prejudice, because the price is *in medio* for the taking. *3tio*, That the same answer would serve, were there a reduction pursued, on account of the subject's having been made litigious by the preceding summons of adjudication.

And more particularly, *2do*, That the decree of adjudication, now pronounced, was not valid, the Ordinary having been *functus* by the first decree now deserted.

The Lords "refused to stay the adjudication, unless the petitioner would pay the pursuer his debt;" for there was nothing in the objection, that the Ordinary was *functus*, which never is the case till decree be extracted; and this very thing is what is done every day.

Kilkerran, p. 18.

1750. *July 21.*

THE Ordinary on the bills reported a bill of suspension, presented by certain burghers, inhabitants of the town of Kirkaldy, shopkeepers, sailors, weavers, masons, wrights, coopers, smiths, &c. of the sentence of the Justices of the Peace, ordering them out to work at the highways, or to pay 1s. 6d. for each day's absence; and the Lords directed him to pass the bill as to sailors, who go upon foreign voyages or coast-ways, but not as to fishers, or those who ply in passage-boats; and to refuse the bill as to these and the whole other suspenders.

Kilkerran, p. 253.

1751. *June 28, and November 22.* IRVING RAMSAY *against* BARBARA DUNDAS
Lady SAPHOCK.

A REDUCTION was brought by Alexander Irving, the heir of line of the deceased Mr. Alexander Irving of Saphock, advocate, of a settlement made by Saphock in a contract of marriage between his daughter, while not above eleven years of age, and Alexander Ramsay, of his estate upon the heir-male of the marriage, whom failing, upon him the husband, and who, by the decease of the wife without heirs-