

No. 19. 1750, June 12, 15. SALE OF THE ESTATE OF GREENYARDS.

THE lands of Greenyards being to be exposed to sale, after the letters of publication, it was discovered that the rent of a small part of the common debtor's possession was omitted. The creditors agreed to have it added to the price, but insisted that there was no necessity of new letters of publication, but only to adjourn the sale, and advertise it in the prints, and some of us were of that opinion; but the President and several others doubting, though we commonly diminish the price after lands are once exposed without new letters of publication, we ordered a new proof of that part, in order to letters of publication. 15th June, We got a petition from Greenyards and the whole creditors to alter, which we refused.

No. 20. 1750, Dec. 14. SIR HUGH HAMILTON, *Supplicant*.

SIR JAMES applied to have his bond of cautionry for the price delivered up, having paid the price;—which was remitted to me to examine the vouchers; and I reported that it was a sale at the instance of the apparent-heir on the act 1695, that after payment of the creditors, there was a balance of about L.1600 Scots; and that it appeared from the vouchers that Sir James had paid the price to the creditors, and the said balance to the apparent-heir and her husband upon their discharge, but that it did not appear that the apparent-heir had made up any titles either to the estate or price, and that therefore the Court should determine whether any titles, and what titles were necessary to be made up? This point they had under consideration different days, and I mentioned to them the case of Stirling against Cameron, 21st July 1742, (No. 8, *supra*,) where in the sale of an estate as bankrupt, there being eventually a reversion to the apparent-heir, he was found obliged to make a title to the lands, and to convey. But this day the Lords found that no title was necessary to be made up, and therefore ordered the bond to be delivered up.

No. 21. 1751, Feb. 28. PATRICK BLAIR, *Supplicant*.

BLAIR being served heir in general *cum beneficio inventarii* to his brother, pursued a sale of his estate on the act 1695, and having applied for diligence to prove certain points in the act; a difficulty occurred yesterday, whether after his service such process was competent at his instance; and this day we granted the diligence, and thought the proof competent, agreeably to the decision 28th July 1746, in the sale of Rutherford's estate, (No. 15, *supra*,) reported by me; and Kilkerran mentioned another also reported by me, but which I have not marked, in 1742, in the case of one M'Dowall.