

extent of the whole heritage, he can have right to as apparent heir, and allowing the same to be carried off by adjudications. Nor will his creditors adjudging on his bonds, nor even his possessing upon these adjudications, give any ground of action against him to the creditors of the preceding apparent heir, who was three years in possession, though it would to the creditors of the defunct last in-
 feft the estate were carried off for the apparent heir's debt.

“The present question in this case is, that as a creditor of the apparent heir's adjudging for the apparent heir's debt, and even such adjudger's possessing upon such adjudication, will give no action to the creditors of the apparent heir upon the act 1695, because such possession is not the apparent heir's possession, whether an adjudication on a gratuitous bond and possession upon it have a different effect, where the obtainer of the gratuitous bond has it as an absolute gift.

“1758. *July 11.*—The Lords adhered.—They thought it is equal as if the apparent heir had taken right to the adjudication and then disposed it.”

1758. *July 18.* JACKSON and OTHERS *against* HALLIDAY and OTHERS.

THIS case is reported in *Fac. Coll. (Mor. 2769.)* The following is Lord KILKERRAN'S note :—

“*Nov. 16, 1757.*—On the first and general point, whether the subject was adjudgable or arrestable, the Lords altered their former interlocutor, and preferred the adjudgers.

“And by the President's casting vote that the arrestment in the hands of Duke and Brown was the only proper arrestment: this was on the supposal that the subject was arrestable.

“On the first and general point, the *President* stated it in this light, that the reversion which was on Cairoch, was not only a power to redeem the lands, but also to call for an account of the price, and that this reversion importing both points was only adjudgable, and so his opinion would have been, albeit there had been no such adjudication as that led by Grierson; and that that adjudication affords a separate consideration, *viz.* that the whole reversion was established in Grierson.”

1758. *July 18.* ROBERT SYM *against* GEORGE THOMSON.

THIS case is reported in *Fac. Coll. (Mor. 1137.)* The following is Lord KILKERRAN'S note :—

“*July 18.*—The Lords altered, reduced the disposition, and remitted to the Ordinary to proceed accordingly.

“The Lords agreed that this case should be taken, as of an assignation made in Scotland.

“*Kaims*, the Ordinary, explained the ground of his interlocutor to have not