

to pay the price, and take these lands to himself, conform to the power granted to over-lords by the 36th act of Parliament 1469, and which is the *retractus feudalis seu dominicus* introduced by the feudal law. Answered, That holds in lands appraised or adjudged during the currency of the legal; but adjudications by rousps being a new remedy introduced by our law in favours of creditors, neither the act of Parliament 1681, nor the subsequent statutes, allow any such reversion to superiors; but, on the contrary, declare the right shall irredeemably be the buyer's, else this excellent security might be wholly evacuated; for a superior might pick out a room holding of himself, without which the rest of the estate would be much less vendible, and so discourage all from buying at rousps where any part of the bankrupt's lands were holden of subjects; and, as the superior has no interest to redeem adjudications on obligations *ad factum præstandum*, or to complete dispositions, so neither can he have any here. Replied, These new statutes are very compatible with the superior's interest; neither do they abrogate his right founded on the old law, and the inconveniencies may be salved. The Lords unanimously found the superior's right of redeeming took no place in their sales. The gild-robbs, or extraordinary Lords, voted for the superiors.

No. 84.

Fol. Dic. v. 2. p. 411. Fountainhall, v. 1. p. 666, 689.

1713. July 24. UNIVERSITY of GLASGOW *against* HAMILTON.

No. 85.

An adjudication having been led for debt exceeding the value of the lands adjudged, it was found, That the superior must either enter the creditor, or pay the value of the lands adjudged, to be determined by the Lords upon a probation thereof; and upon such payment, that the creditor must transfer his debt and diligence to the superior, with absolute warrandice for the sum received, reserving to the creditor his claim against the common debtor, so far as not satisfied out of the value of the lands.

Fol. Dic. v. 2. p. 411. Forbes.

* * Forbes's report of this case is No. 16. p. 9296. *voce* NON-ENTRY. See No. 42. p. 15034.