

1724. *July 15.* Col. L. MUNRO *against* TOUCH of Logieriet.

NULLITIES repelled,—1. That summons did not appear to be called by the clerk before enrolment. 2. That no conclusion against superiors, though named in the *against* of the decret. *Ergo* horning and charge unwarrantable.

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1735. *November 14.* HAIRE *against* THOMSON.

OBJECTION repelled,—That the adjudger had got payment of a part of his principal sum by possessing the tenement on his heritable bond; in respect it appeared, that the sums uplifted by him over his annual-rents before his adjudication, did not exceed the expense of his infestments.

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1735. *November 14.* TRUSTEES of Mr. JO. MONTGOMERY'S Creditors *against* LORD HOPE.

TRUSTEES allowed to adjudge lands disposed to Lord Hope by his uncle Marquis Anandale; although lands taken up [by] the Marquis, the male heir, might be sufficient for the debt: reserving *contra executionem*. Are under discussion.

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1736. *February 18.* ELIZABETH REID *against* HENRY of AUCHINLOICH.

OBJECTION to an adjudication against three heirs portioners, that one of them was not charged in special, restricts it to a security for principal and annual-rents, though the shares of the other two were sufficient to pay the debt.

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1737. *July.* CREDITORS of NEWLAW *against* MOLLENCE.

OBJECTION,—That no proof of passive titles was brought against a minor, allowed to be supplied by yet proving passive titles. 2. Adjudication, led thirty-three years ago, does not bear that minors tutors were cited in special charge,