

1737. *June 30.* WATSON of Saughton, *against* Mr. JAMES BAILLIE.

It being disputed in special adjudications, if the principal, annualrents, and a fifth part more should be accumulated, and that accumulated sum paid at redemption, or if lands only of that value should be adjudged in payment of the principal and annualrents only accumulated, so as only that principal and annual rents so accumulated should be paid at redemption; but in case of expiry of the legal, the whole lands adjudged worth the principal and annual rents, and a fifth part more should be irredeemable: The Lords thought this last most agreeable to the words of the act 1672: But in respect of the express words of the act of sederunt, 26th February 1684, constructing it otherwise, They found that a fifth part more than the sum should be adjudged for and paid at redemption. (See DICT. No. 10. p. 88.)

No. 9.
Of what the sum paid at redemption ought to consist?

1737. *July 15.* AITCHISON'S ASSIGNEES *against* DRUMMOND.

APPRISER leaving two heirs portioners, the intromissions of one are only imputable to her own half, though they exceed it, and though the other has recovered a decret against the intromitter for the half of her intromissions, unless she has also recovered payment: But the apprising will subsist *quoad* the half of the heir who did not intromit.

No. 10.

1737. *July 22.* Mr. ROBERT FREEBAIRN *against* BLAIR and NAIRN.

OFFICE of king's printer being given by patent for a term of years, to Mr. Robert Freebairn, and his assignees and substitutes, was found adjudgable by his creditors, and actually adjudged. (See DICT. No. 16. p. 148.)

No. 11.

1737. *July 22.*

CREDITORS of MAXWELL of Newlaw, *viz.* BROWN of Mollance.

A CONSTITUTION pronounced 30 years ago, by special warrants of the Lords, that the adjudication might be within year and day of a prior adjudger, but without any proof of passive titles, and an adjudication upon it being quarrelled, because the passive titles were not proven, The Lords would not sustain the passive title of charged to enter heir upon a general charge produced prior to the decret, in respect that passive titles were not

No. 12.
To support a constitution, as the foundation of an adjudication, there must be evidence of the passive titles, but that evidence may be adduced *ex post facto*.