

to the Debt Act 37. Mc Kenzie observ. on d. act 37. The matter of this is handled at large by Craig feud. lib. 3 tit. 2.

The adjudication, is a Decree of the Lords of Session, adjudging and appropriating a persons lands, Hereditaments or any heritable Right or Interest, which shall follow thereupon or shall to belong to his creditor, who is called the adjudger, for payment or performance of his heritable Bonds not perfected with Infeftment are adjudicable as well as heritable even before the term of payment 20. 1705 Stuart of Sorrence contra Stuart. A man having a power in his lands, Reserving to himself a power to Dispose in whole or in part as if he were heir that faculty may be adjudged for him by a creditor whose adjudication will carry right to the lands, as if the Debtor had Dispensed the same Stuart contra Toird. Double tit. power to Dispose. A Minor Not having performed a Recession competent to him ex Capite Minorum his his actions may be adjudged by his creditor, and the adjudger may Reduce his his Author or Debtor might be done Stuart lib. 3 tit. Adjudications in fin. Adjudications of appraising, require either a previous search for moveables Stat. lib. 4 tit. 23 & 24. That the sum adjudged for be liquid and established by a Decree. Seeing that liquid debts and obligations ad factum prestandum may be adjudged for in security: as a husband's obligation in the Contract of Marriage to Employ for his Wife's life rent of a certain sum upon land to Annuitant, and to make payment there of termly, or to Infeft her in the annuity rent of a sum of Money. In which adjudication the adjudger is not only for by gone annuities then due, but also for the sum remaining, the terms of payment being first come and first paid 2. January 1684 Bruce contra Hepburn 29 Feb. 1675 Hamilton contra Chiesly 27 January 1714 Anderson contra Gilhegie and Wallace. Because she hath no other remedy for her security, seeing she could not liquidate the value of her life rent against the heir and a judge for it. In respect he was not obliged to buy her life rent. Of the nature is an adjudication of a principal Debtors estate at the Instance of his Distressed Cautions for his Relief before

he pay the Debt: Which is Equivalent to an Infeftment of Relief, and affectual only for such sums as the Cautions should be bound to pay by virtue of the Distress, and that from the time of the payment. Novemb. 1685 Burnet contra Leath of Barwick. Adjudication in Security was Allowed to a creditor in Diem against his Debtor who was Ferdinando Morrison before the term of payment; unless within a certain time the Debtor should find sufficient Caution 12 July 1711 Blair contra Blair. And Diligence by adjudication upon a Child's word of Provision ten years before the term of payment was sustained, where the father was sinking in his circumstances 4 January 1724. Lion contra Creditors of James Ogilvie. Part 1 Bond Payable upon a question cannot be adjudged for till the question be used 11 Feb. 1725 Gordon contra Hunter. Creditors may adjudge for Debts due to them, and may also be obliged to appraise the Moveables upon the grounds belonging to the Debtor or to his heirs, not exceeding a term of years, and to appraise the ground right and property so that remains unpaid by the said Moveables Stat. lib. 4 tit. 37 & 27 Feb. 21 & 22. The said estate is not a real thing, and is not adjudged, but will remain, and follow the Poor Stuart the same to Toird. Double tit. 4 Gilties of Honour.

There are several sorts of adjudications, as 1. Adjudication of the Estate of a living person, reputed solvent, for payment of a clear and liquid debt, which is now come in place of appraising. 2. Adjudication of the estate of a person Deceased. 3. Adjudication in Implement. 4. Adjudication and Sale of a Bankrupt's estates of all which I shall treat in order as they lie.

Tit. 1. of Appraising, and Adjudication come in place thereof.

Lands not formerly appraised, cannot be now appraised, but only adjudged; except upon a Decree of pointing the ground, which Decree's letters of appraising to be Directed. But lands formerly appraised where the legal of appraising is not expired, may be again appraised act 19 Par 2 Feb. 3 tit. 2