

and Pleland contra Wilson. The posterior approvers within year
 and Day of one effectual by Infeftment or a Charge, have the benefit
 during the legal of that Infeftment, so as they need not be in feft
 upon their own appraising: yet Each approver must after Expiration
 of the legal, escape Infeftment upon his own appraising 20 fe
 1653 L. Beirfoord contra Turner. Approvers or adjudgers the Infeftment
 and in possession cannot during the legal Elect or be Elective. Con
 missioners for Thires or Anartries to the parliament. But Examine
 appraisings or adjudications, In feft the Creditors in possession
 to Vote; unless a Decree of Declarator or Voluntary Renunciation
 Resignation or Renunciation in a writ under the Creditors
 be produced. And in the case of Expired appraisings or adjudications
 the Approver or adjudger first Infeft can only Vote Alled with
 may come in pari passu with him till the extent or Valuation
 of their Shares appear by Division. 1st Par. 23 Ch. 2.

Tit. 2.

Concerning Adjudication of the Estate of one
 Heretage of a Person Deceased Remaining without a Master
 by his Apparent heirs being in doubt whether to Accept or Re
 nounce; called Heretias Facies, may be adjudged upon the appraiser
 heirs Renouncing the Favourance, when charged to Enter upon
 either for the debt of the Deceased, or for the Apparent heirs
 Debt Act 7 Par. 23 Ch. 6 Craig Feud. lib. 3 Tit. 7 § 10 Steir lib. 3 Tit. 7
 § 30. This ancient kind of adjudication is an Extraordinary Remedy
 devised by the Lords of Session ex Nobili Officio, to supply the Defect
 of appraising, which behoved to be led for a liquid date against
 some person to whom the subject appraised did belong. For otherwise
 hath not left it in the power of a debtor to Rejudicate any thing
 whereby his Creditors may be paid. Tho it be otherwise in the
 Civil law, where non Confetur fraudare Creditoris qui Rejudicat
 Hereditatem. Vid. Supra pag. 974.

If a debt owing by the Deceased to the pursuer be not Con
 stituted and want to be proved The Apparent heir Renouncing
 is called for formidate to supply the place of a Defender, and
 a Decree Cognitoris Causa for Constituting the debt payable
 without any effect against him. Thereupon the obtainer saith
 adjudication, wherein the said Apparent heir is also called to
 personate a Defender but can make no Defence, He may be called
 to see the process in the Clerk's hands, that he may offer any
 Reason why he should see in Common form, as that the Remanent

Renunciation is false &c. but otherwise he having Renounced, hath the
 Interest to stop the pursuers Diligence by Crawing to see the process in Com
 mon form 18 June 1659 from contra. The Lords advising the whole
 heretage of the Deceased debtor, with all benefit the Apparent heir might
 have had by Entering to him. Where one pursues against an Apparent heir
 Constitution of a Liquid date Instantly Verified by writ, and the Defender
 Renounced, the pursuer may in the same process have a Judication here
 idialis Facies, without any general Decree for Infeftment in feft.
 § 45. This adjudication and a Lybell for establishing a debt payable
 contained in one summons, albeit some part of the debt was paid in
 and under Reduction; allowing the debtor to be present or in absence
 Defence if Instantly verified and if not so Verified, decree of adjudication
 was to be given before the Reitor contra Renunciation in feft
 ving or process for mails and duties 26 July 1676 Boze contra 340.
 The Lords suffer adjudication of all that is left as belonging to the
 Defender to pass in absence as belonging to him. to requisition of lands
 lishes goods or gear in general belonging to the Debtor, without any
 Special Condescendance was sustained, 19 Decemb. 1638 Porter contra
 Dixie. But if any appear and justify that they are holden in retable
 possessors of the lands, and to be a creditor, that the pursuer is
 Debtor and not supposed to have any right thereto: the order would
 be reversed to come in a first adjudication, till some Condescendance
 given of the Debtor to the said Steir lib. 3 Tit. 7 § 46. Now as a creditor who
 is a stranger to the Debtors rights, cannot be put to dispute the
 Validity thereof in order to obtain adjudication, he might recover in a
 Controversed case some Instruction of the right from the registers
 of his said lands in the property where the debtor died Infeft were ad
 judged with the burden of a backtion bearing that the Infeftment was
 granted only for the leaving the Requirer of debts in feft engaged in
 for the dispenser 23 Novemb. 1664 Living now contra Lord Cromwell
 and Creditors of Grange. The Creditors of one deceased may adjudge
 upon his Apparent heir Renunciation, all that would have belonged
 to him if that heir, as lands, Annual rents, Reversions, laches, life rents
 here table Bonds ^{Bonds} including Executors and the Reits there of fallen
 due since the Debtors Death before the adjudication; and heir ships
 moveables which can be no other wise Carried or affected by the Creditors
 of the Deceased Craig Feud. lib. 2 Tit. 3 § 10 Steir lib. 3 Tit. 7 § 47. Upon
 a summons of adjudication for such by gone Rents, a Constitution of
 payment against Intromitters therewith was sustained 19 Decemb. 1688
 Porter