Accessary advantage of the liferenters Escheat: And in another place 4 Fol. 59 D) Instructs, that the Superior will get from an adjudger in Implement a Years Rent, if the adjudication proceed upon a possession of fee; a ~~[illegible]~~ 4 years Annual rent, if upon a right of rent; and a Modification, if upon a Redeemable Disposition or right Allenerly: and in a third place (Lib. 3 Fol. 4 5 D) says, that the Superior gets frequently a years rent for Entring adjudger in Implement; Yet there is no Express Law for it.

This adjudication in Implement differs from an adjudication for debt in several things. 1o/ A Decreet against an Apparent heir carries a Charge to Enter or Renunciation Stair lib. 3 Fol. 2 55 and all Real actions, a Charge being Required only to make the apparent heir personally liable, which is not intended by this kind of adjudication 2o/ A Decreet only to the thing it self and not to a Sum more: And any Claim the adjudger of an adjudication in Implement may have for Expenses, must be acquired for upon the Sale (Act 19 Par. 2 Jas. 6 Ch. 2). 3o/ A Declaration in Implement has no Legal Reversion, unless there be a Reversion in the Disposition obligation to Infeft Stair ibid. Because Nemo potest Venire contra factum proprium; It is absurd that any should come against his own fact; and the Diligence would otherwise be Ineffectual. 4o/ A Superior ~~[illegible]~~ is not obliged to receive an adjudger in Implement but must the Title of the person adjudged from 24 June 1663 M'Kenzie contra L. Glenlorchy. 5o/ The Superior be obliged to discuss adjudgers for debt without producing their Author's rights. Sir George M'Kenzie observs. on act 37 Par. 5 Jas. 3) concerning what an adjudger in Implement shall do, if after Ultimate Decreet he cannot Recover his Authors Exconts? and thinks it hard that an adjudger should Suffer thro' the Contumacy of the person obliged to Complete his right.

An adjudger in implement having produced his Authors right, is not obliged to Dispute the Validity thereof in that Instance 24 1663 M'Dowall contra L. Glenlorchie. 5o/ Adjudication in Implement becomes not effectual by a Charge against the Superior; tho such a Charge would Exclude Superior Voluntary Rights Stair lib. 3 Fol. 2 552. 6o/ An adjudger in Implement Comes not in pari passu with other adjudgers of that any other Kind 16 July 1675 Campbel and Ridoch contra Stirling 12 Decemb. 1677 Lady Frazer contra Creditors of Lord Frazer Lady Mar Stair ibid. M'Kenzie observs. on act 62 Par. 1 Jas. 6

Ch. 2. 7o/ In an adjudication for Implement the Superior is Divorced to Receive the adjudger 10 July 162[illegible] Herreis and Cunningham contra Lindsay Stair ibid. Student answers to Direct. Doubts Fol. Adjudications pr. Albert Law Act 37 Par. 5 Jas. 3 Jurisdict. 19 Par. 2 Jas. 3 Ch. 2 Obliges the Superior to Infeft only appriziers or adjudgers for Debt, and allows him Reduction Improbation, this Privilege to take the Land to himself is to pay the debt; from which Privilege the Superior is put off in the case of non Adjudication in Implement. And all Superiors like the King be called they may be Decerned in order to Receive the adjudger: and at last Precepts Direct for Expeding Charters from the King who is Supreme Superior.

Fol. 4.

Of Adjudication and Sale of a Bankrupts Estate.

When a debtor is bankrupt or Insolvent, and his Estate for sequestrat by Creditors, the undertakers of any Creditor Having a Real Right Act 11 Par. 3 Ch. 2 may raise a Summons of Sale, either Relative to a Ranking of the Creditors, or containing a Ranking in the Record was Impro to Compel obliges all the Creditors to produce their Interests. The Reason for having a Judicial Sale of Bankrupt Estates, is because in these are affected with Real Rights Exceeding their Value often happens that the Creditors do not agree to sell the Lands, whereby such as have Real Rights cannot Command any part thereof, and the Estate be of 6 times Income is Actual to many Creditors. To prevent this Process it is not necessary that all the Estate be sequestrat by Creditors, but it suffices that a part be sequestrat by Poor sellers Annualrenters or Apprizers Stair lib. 3 Tit. 8 § 6. Nor is it a sufficient Defence against it, that the Debtor has Heritable Debts, that he be Incumbered as to part and thereby may from him any part of it at any Competent Rate, and only the Value thereof together, Stair ibid. Fol. 3 662 Lib. 3 Tit. 2 § 54. An Adjudication without Infeftment of a Bankrupt Estate for by gone Annualrents Resting to the Superior, is a sufficient Title in a Process of Sale at his Instance 27 January 1714 D. Gore contra M'Pherson of Clunie In Respect the Vestand Infeftment is the Superiors Infeftment as to four Duties.

A Summons of Sale Requires a previous Bill 31 Decemb. 1709 Wedderburn contra Nicolson and others. When a Summons of Sale is Relative to a Ranking, it needs but one diet, and comes in Summarly without abiding the Course of the Roll Act of Decr. 24 Feb. 1692. If the Debtor appear and deny his being Bankrupt, and there be no Common fame or Evidence of his Insolvency, process of Sale will not be Sustained against him Feb. 1692 Wallace of Inglistoun contra Forrester Stair lib. 3 Tit. 2 § 54 Vers. there is an Act of Decr. But a Ranking and Sale are now Commonly Raised in one Summons. Which Summons of Sale Containing a Ranking in Gremio Must have two Diets. Regard