

accumulate sum itself *pro tanto*; and as there had been so many diligences already deduced, and a large balance yet resting, for which he was pursuing another furthcoming, they would not restrict the penalty.

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1741. *November 17.* CREDITORS of STEUART of Castlehill, *Competing.*

No. 32.

THE Lords found that a charge against the superior, without offering a year's rent and a charter, is sufficient to make an adjudication the first effectual one, notwithstanding that a posterior adjudger had obtained charter and sasine; and that the posterior adjudger was not entitled to the expenses of his infetment from the co-adjudgers.

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1742. *February 27.* GILBERT STEUART *against* Mr. DAVID COUPAR.

No. 33.

ADJUDGER of an annualrent charging the superior of the annualrent, who is also proprietor of the lands, having bought them from the original debtor in the annualrent, and therefore having also the right of reversion of the annualrent; found not liable in a year's annualrent, nor any other composition to him for an entry to him as adjudger, this being only a security for money with which the lands belonging to the superior of the annualrent is burdened.

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1742. *July 20.* HUNTER of Lochreny *against* HUNTERS.

No. 34.

THE objection against a declarator of expiry sustained, That the special charge was blank in the lands, notwithstanding the person charged afterwards entered heir in the lands, and notwithstanding it was after 20 years, in respect the pursuer himself produced the special charge.

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1742. *December 14.* KING *against* ———

No. 35.

ADJUDICATION *cognitionis causa.* Horning on such an adjudication pronounced by a Sheriff, refused against superiors, in respect there was no abbreviate made, though such hornings use to be granted on these adjudications by inferior Courts when they record the abbreviate, albeit there appeared to us no law authorising even in that case. On a reclaiming bill, adhered. See No. 29. (See DICT. No. 22. p. 5743.)