

*ACCESSORIUM SEQUITUR PRINCIPALE.*

---

No. 1. 1751, Feb. 28. *BIRREL against WILSON.*

ROBERT BIRREL, in 1706, granted an infeftment of annualrent for 1400 merks, to Patrick Kinnimont, who was thereon infeft, and in 1714 adjudged for principal penalty and certain bygone annualrents, amounting in all to L.1176. Kinnimont, in 1718, disposed for love and favour to Alison Algier the annualrent right, with obligation to infeft, and precept of sasine, and sometime after she recovered decret of pointing the ground. In 1739 Robert Birrel made over these tenements to his son Alexander, in his contract of marriage, whereon he was infeft. Alison Algier died, and Alexander Alison obtained a gift of *ultimus hæres* to her, and thereon got from the town a charter of the annualrent right, and of adjudication, and was infeft, and sold his right to David Wilson, who pursued a removing against Birrel on his infeftment, on the adjudication. Objected, The adjudication never was conveyed to Alison Algier, neither specially, nor by any general words; nothing was conveyed but the annualrent right, without even the ordinary clause of "all that has followed or may follow thereon," and the adjudication of the property can never follow that as an accessory. And *2dly*, The adjudication is for sundry annualrents that are not conveyed. We repelled the objection, and decerned in the removing. *Renitent. Kilkerran, et Me.—Vide* the immediate next case.

No. 2. 1751, Feb. 28. *GEDDES, Supplicat.*

LORD MILTON, from the bills, reported a question on a bill of inhibition. Andrew Geddes, as creditor to his brother Archibald in a bond and two decreets, arrested in the hands of his brother's debtor, and recovered decret of forthcoming. In the settlements of his affairs among his wife and children, Andrew conveyed specially the bond, and two decreets he had against his brother, but did not mention the decret of forthcoming against his brother's debtor, only there was a general clause of all bonds, bills, decreets, &c. due to him. Now that he is dead, his children presented a bill of inhibition upon the decret of forthcoming against the defender in that decret, and the question was, if that bill should be passed, since it was not mentioned; and we found that it should not, which seems not very agreeable to the immediate preceding judgment in Birrel's case, and yet the President was very clear for both.

---

ADJUDICATION.

---

No. 1. 1734, Feb. 6. *JEAN RAMSAY (Mrs FALCONER) against PATRICK DRUMMOND.*

THE Lords preferred Mrs Falconer and other adjudgers, within year and day of her adjudication, *pari passu*.