

*ACCESSORIUM SEQUITUR PRINCIPALE.*

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1751. Feb. 28.

BIRREL *against* WILSON.

ONE infert in an annualrent having adjudged for principal, penalty, and some bygone annualrents, afterwards for love and favour disponed the infertment of annualrent, without mentioning the adjudication and bygone annualrents, or even the general and usual words, “ all that has followed, “ or may follow thereupon,” and the singular successor of that disponer, obtained notwithstanding a charter of adjudication from the superior, and pursued removing against the heir, at least the son and disponee of the debtor, who objected to the pursuer’s title, that the adjudication was not conveyed, nor could it be meant to be conveyed: But the Lords repelled the objection. See DICT. No. 18. p. 40.—And yet

No. 1.

Application of the rule.

*Eod. Die.*GEDDES, *Supplicant.*

ANDREW GEDDES, as creditor to his brother, by a bond and two decreets, having arrested and obtained decret of forthcoming against one of his debtors, and afterwards, in a settlement of his affairs, assigned the bond and two decreets against his brother, to his wife and children, with a general clause of all other bonds, bills, decreets, &c. due to him, but did not mention the decret of forthcoming; after his death, his children presented a bill of inhibition against the debtor in the forthcoming, which was reported by Lord Milton; and we found there could be no inhibition, since the forthcoming was not specially conveyed.

No. 2.

An exception.

See NOTES.