

(RANKING OF ADJUDGERS AND APPRISERS.)

1680. *January 16.* GORDON *against* HUNTER.

No 18.
The same
found.

IN a competition betwixt Gordon of Troquhen and John Hunter, both having adjudged the same lands within year and day: Hunter craved a proportion of the duties. It was *alleged* for Troquhen, That he could have no share, till first he paid the whole expences of the first adjudication, and infestments thereon, because by the act of Parliament 1661, between debtor and creditor, whereby all apprisings within year and day of the first effectual apprising, are brought in *pari passu*; it is expressly provided, that the first appriser be first satisfied of his whole expences of his apprisings and infestments. And by the act anent adjudications, general adjudications of the whole estate are declared to be in all points in the same case as apprisings.

THE LORDS found, that the posterior adjudger could have no access, until he satisfied the first adjudger of his whole expences of his apprisings and infestments.

Fol. Dic. v. 1. p. 19. Stair, v. 2. p. 740.

1668. *December 18.* CHISHOLM *against* STEVENSON.

No 19.
What expences a second appriser liable to pay to a first.

CHISHOLM, a second compriser, and admitted to come in *pari passu* with Stevenson, who was the first compriser, he paying his proportional part of the whole charges waired out, conform to the late act of Parliament, anent Debtor and Creditor: THE LORDS found, that he should only be liable for his part of such charges as were disbursed for deducing the apprising, and obtaining infestment thereon, and obtaining decreets of removing, or for mails and duties; which they ordained to be communicated to the second compriser, but did not find him liable for the expences of the registration of the bond, and raising of letters of horning and inhibition and execution thereof.

Fol. Dic. v. 1. p. 19. Gosford, MS. No 70. p. 25.

1682. *November.* GAIRNS *against* JOUSSIE.

No 20.
In a competition among adjudgers, found that the composition to the superior ought to be paid out of the fore-end of the rents as a part of the expence

MR WILLIAM GAIRNS, one of the ministers of Edinburgh, as having right to an apprising led at the instance of John Brown, merchant there, of the lands of Fodderate, having pursued the tenants for mails and duties; and there being compearance made for John Joussie, and the Laird of Drum, who had right to the first effectual comprising of the lands: It was *alleged* for them, that they ought to be preferred to the mails and duties, by virtue of the first effectual comprising; and, albeit Mr William Cairns was within year and day, yet he ought not to be admitted to come in *pari passu* with Joussie and the Laird of Drum,