

No 104. might more properly have been considered as improper wadsets, yet to prevent the confusion which an alteration of practice in that particular would have occasioned, the same legal effects have been attributed to them. But an adjudication like the present has no resemblance to either. It has no legal as other adjudications, and it cannot be redeemed on payment of any known specific sum. It cannot therefore be considered as a sale, as no price is either paid or fixed on. In short, the adjudication in question is precisely of the same nature with a voluntary infestment of annualrent, and there is no reason that arrears on the one should be in a different situation from those on the other.

The Lord Ordinary reported the cause on informations.

Observed on the Bench, An adjudication for future annuities is a security for a conditional debt; but so soon as they are due, it becomes a security for a pure one. The lands are then adjudged *in solutum* of the arrears, payment of which becomes a condition of the reversion. The interest due upon these termly payments, is likewise heritable, upon the principle which has uniformly been considered as settled by the case of Ramsay against Brownlee, No 99. p. 5538.

THE LORDS unanimously found, 'That in virtue of the decret of adjudication obtained by the deceased Mrs Elizabeth Ross, the annuities in question were rendered heritable property, and now descend to the heir.'

Lord Reporter, *Swinton*. For the Executor, *Hop*. Alt. *Honyman*. Clerk, *Sinclair*.
D. D. *Fol. Dic. v. 3. p. 270. Fac. Col. No 127. p. 285.*

S E C T. XVIII.

Accessory Security.

1628. *March 12.* CRAW *against* EARL OF KELLIE.

No 105. A BOND of corroboration of a former contract, which was heritable, is likewise found heritable, and does not alter the nature of the debt.

Fol. Dic. v. 1. p. 372. Auchinleck, MS. p. 145.

1664. *June 15.* EARL OF MARR *against* HAMILTON.

No 106. A BOND being granted before the act of Parliament 1641, by the decest Earl of Marr, to the decest John Hamilton of Clatto, bearing annualrent;