

**D E C I S I O N S**  
OF THE  
**LORDS OF COUNCIL AND SESSION,**  
REPORTED BY  
**JOHN EDGAR, ADVOCATE.**

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1724. *January 29.* CARSTAIRS of Radairny *against* BROWN and FOTHRINGHAM of Powrie.

CARSTAIRS of Radairny having adjudged certain lands from Alexander Laing, in January, 1698, and recorded an abbreviate of his adjudication in March thereafter; Fothringham of Powrie, in October, 1698, executed a summons of reduction and improbation, wherein he called the said Laing, but not the adjudger; and having obtained a decret of certification in absence, he thereafter disposed the lands.

In a competition betwixt Radairny and a singular successor of Powrie, the Lords found, That though neither infestment nor a charge against the superior had followed on the adjudication, yet the decret of certification could not strike against it; in respect the adjudication was prior to the citation in the improbation.

*Act. —. Alt. Alex. Hay. Lord Cullen, Reporter. Mackenzie, Clerk.*

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1724. *February 26.* BUNTYNE and Others *against* BLAIR & COMPANY.

In the case betwixt these parties, marked the 23d January last, the pursuers having insisted for Demurrage at the port of Greenock, after the ship's arrival in