

(ALLOWANCE AND ABBREVIATE.)

No 4.

The Lord Ordinary having died before signing the abbreviates, and the 60 days, allowed for recording them, being now elapsed, since the date of the decret of adjudication, this application was necessary, that the petitioner's *pari passu* preference, with the first adjudger, might be secured to him: which, he hoped, the Court would think reasonable; as it was not owing to the neglect of him, or his doers, that the abbreviate had been recorded in the ordinary time. He, therefore, prayed their Lordships to remit, to any of their number, to sign the abbreviate, to have the same effect, as if his Lordship had been the pronouncer thereof himself; and to appoint the Clerks of the bills to receive and record it, as if it had been duly presented to them, within 60 days of the date of the decret, for that purpose; or to grant him such other relief, to preserve his preference, as their Lordships should think just.

THE LORDS remitted to Lord Pitfour, in place of Lord Edgefield; with power, to his Lordship, to sign the abbreviate, and to allow the decret of adjudication to be extracted, and the abbreviate recorded; reserving all objections to any party, having interest, against the validity of the said adjudication, and all answers to such objections, as accords.

*Pet. D. Grene.**Fol. Dic. v. 3. p. 11. Fac. Col. No 138. p. 319.*

1774. November 22. JEAN SMELLOME, Supplicant.

No 5.

Abbreviates, not recorded within the 60 days, may still be recorded, by warrant of Court.

THE petitioner set forth, That, upon the 29th June last, she obtained decret of adjudication, before this Court, against Thomas Beveridge, only son of the deceased Alexander Beveridge, writer in Dundee: That the foresaid decret of adjudication was duly signed and extracted; and two abbreviates thereof were also signed by Lord Pitfour, Ordinary, who pronounced the same; but, by the inadvertency of the petitioner's doer, the abbreviate of said decret was not recorded within the sixty days, appointed by regulations 1695, art. 24.; by which omission, the petitioner's diligence is, in so far, incomplete; and, therefore, praying the Court to grant warrant for recording the abbreviate of said decret of adjudication, conform to the practice in similar cases.

THE LORDS 'granted warrant accordingly.'

*A&C. Boswell.**Fol. Dic. v. 3. p. 11. Fac. Col. No 139. p. 366.*

(See REGISTRATION.)