of force co-ex against an assigney or arrester, seems to be better than an
assignation which requires Intimation to Complete it. Stuart Answers to Dirleton
Doubts fol. Fruit. An Apprizing was found affected with a back bond granted
by the Apprizer to the prejudice of a singular Successor in the Apprizing, the
back bond having been granted before Infeftment upon the Apprizing and
while the Legal was current 21 Novemb. 1673 Brown contra Gairn. An
assigney to an Apprizing was Liable to stand to his Cedent or Author
back bond tho never Intimated, in a Competition before the Apprizing
was Completed by Infeftment and became an Irredeemable right
July 1676 Gordon contra Elaine & Cranstoun. For there is Nothing
ordinary Liens when Apprizing or Adjudication is to be led for
Creditors to assign their Rights to one in Name Diligence is
to be done for all, and to take back bond declaring that the Assig-
or Adjudger is a Trustee for the Cedents behoof: which takes
effect against all Singular Successors to the Apprizing or Adjudi-
cation before the Legal Expire, the Infeftment taken upon
Apprizing. But the purchaser of an Estate having after no
back bond to the Disponer for a certain Sum of Money of the
with the Disposition granted another back bond declaring the
right by the Disposition to have been only in security of a Sum due to him
and the Disponer having after the second back bond granted a Discharge
conform to it: the second back bond was found Null as Simmon
with the first, seeing the first made the Disponer only a Creditor
the Receiver of the Disposition proprietor: whose as by the
former is proprietor, and the Latter simply Creditor 13 Jan.
Dundas and Reid contra Murray of Stenhouse and his Creditors.
Back bonds or personal Declarations do not affect or burden
rights whereon Infeftments do not follow so as to oblige singular
sors to take Notice of them if their Authors right were not
even drawn in Question till after the Singular Successors were
Novemb. 1672 Workman contra Crawford Stair lib. 3 tit. 1 § 21
Mackenzie Instit. lib. 2 tit. 3 § 21 Unless the Singular Successor
be without an honest cause, or that he knew of his Authors
back bond when he Received the right and so was partaker of
fraud 20 Novemb. 1672 Workman contra Crawford. As an
Know to an Incomplete Real right, hath no effect against a Singular
Successor Completing his right by Infeftment 20 June 1676
contra Smith which is ordered for the Security of Purchasers
of Real Rights. But there is this Difference betwixt Apprizings
other Real rights, that as the former, tho completed by Infeft-

may be Extinguished by payment Intromission Compensation or other
ways as personal rights. So assignations back bonds Restrictions or Dis-
charges granted by Apprizers or their Assignays upon which the Granters
right was made Litigious by Process & Inhibition or other Diligence will
the Legal will be effectual even after Expiring of the Legal against
their Singular Successors, the Infeft before the Inhibit legal was called
in Question 21 July 1676 Gordon contra M. Kirkby 27 Jan.
1681 L. Aberdeen contra L. Kinmuck Durie. But
heirs by Infeftments upon rights to Expired Apprizings against
any Apparent from their Authors Infeftments upon Dil-
Generel Litigiants upon the
Infeftments taken upon Irredeemable Apprizings
granted contra Gordon
before
behind Cranstoun
Apprizers co-infeft
Infeftment likewise upon having the
Expired
Fol. Dic. 2 k. t. 8. Stair
showing preferes
any Quality in former
him the granter
neither can
not in the Light. 2d
and Accession
not in Corpore
cessors. 3d
for granting Reversions
cessors unless they be in gremio Scrib, or Registrate. And tho there
be an Express Statute to that purpose, yet it doth not follow a
Contrario, that where there is no Statute back bonds should affect.
seeing the said Statute is only Declaratory of the Common Law
as to Reversions then most under the Parliaments View without
Derogation to the Common Law in other Cases. 4th Back bonds
are upon the Matter Reversions, and oblige only to Retrocess the
Cedent, and cannot operate more than a formal Retrocession
were made in his favours which could not work against a
Singular Successor unless it were Intimated. 5th It would be
an Irreparable Injury to people who, finding a right pure