

1743. *February 4, 15.*

MAXWELL of Dalswinton *against* MAXWELL of Barncleugh.

No. 36.

ADJUDICATION for two different debts, though the bill at the signet contained only one of them, sustained, and the objection repelled even to the effect of opening the legal: And another objection also repelled, That the libel in the first alternative libelled principal annualrents and penalty. (See DICT. No. 25. p. 110.)

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1746. *June 19.* Mr. JOHN ERSKINE *against* Mrs. MARGARET KENNEDY.

No. 37.

ONE pursuing an adjudication on the apparent heir-male's gratuitous bond, in order to carry the estate, the defender being in possession of a title of property, was found to have right to object, that the granter of the bond was not apparent heir in these lands, and that they were not descendible to heirs male; and we remitted to the Lord Ordinary to enquire how the lands were provided.

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1747. *November 6.* ROSS *against* CREDITORS of Easterfern.

No. 38.

ADJUDICATION, though led for near eight times as much as was found due, yet not annulled *in toto*, but sustained as a security for what was due. *Nem. con.* (See DICT. No. 27. p. 112.)

See NOTES, where the reasons are given.

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1750. *January 2, 12.* ORME *against* WILSON.

No. 39.

ADJUDICATION was restricted to principal sum and annualrents and necessary expenses without accumulations, and the president said, that wherever there were gross defects or omissions, there should be no accumulations.