

1751. *November 29.* PROVOST of ABERDEEN, *Supplicant.*

No. 40.

THE last day of compearance in a summons of adjudication was 28th November. On same day the pursuer prayed for warrant to enroll in the regulation roll of the 30th, in order to be within year and day. The prayer was granted on 29th. An application at the same time for other parties, whose last day of compearance was not till 30th, was refused.

* * See the case *voce* PROCESS.

1752. *January 22.*

LUD. STRACHAN *against* CREDITORS of STRACHAN of Dalhakkie.

No. 41.

ADJUDICATION in security on the pursuer's mother's contract of marriage sustained, though without any previous decree of constitution, or proof against the defender's father, that he was a son, or that he was the only child of that marriage, and though the two alternatives of the act 1672 were not libelled, which could not be in an adjudication in security, and when the term of payment was not come. *Vide inter eosdem, voce* ALIMENT.

1752. *January 22.* M'CULLOCH *against* ROSS.

No. 42

AN adjudger is not bound to propone compensation against himself, and therefore it is no nullity of the adjudication, as if led for more than was due : But yet it is proponable against the adjudication after it is led, to extinguish so much of the debt.

1752. *June 5.*

CREDITORS of Sir GEORGE HAMILTON, *Competing, i. e.* BLACKWOOD of Pitreavie, *against* THOMAS BOYS and Others.

No. 43.

ADJUDICATION in the 1715, on a special charge wherein the lands remained still blank, was found void and null, with the infestment following on it. *Vide inter eosdem, voce* INHIBITION,—JUS TERTII,—RANKING. (See DICT. No. 25. p. 4898.)