

1752. July 2. ALEXANDER BREBNER *against* KATHARINE WILSON.

No. 44.

ADJUDICATION on a decret *cognitionis causa*, (both proceeding on one libel) found null, because pronounced before the decret *cognitionis causa* was extracted, though not extracted till afterwards.

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1753. February 6. CREDITORS OF MUNGO GRAHAM *against* HYSLOP.

No. 45.

Adjudication before the Sheriff of a country within which the debtor has no lands, void and null.

ADJUDICATION before the Sheriff of Edinburgh in 1701, of an heritable bond by Viscount Roxburgh, obliging himself to infest the creditor in an annualrent, effeiring to his debt in all his lands in Scotland, with a precept of sasine in the same general terms, but no sasine taken on it, was found void and null, though the apparent heir of the creditor against whom it was led lived within the Sheriff's jurisdiction; in respect the Viscount, granter of the bond, had no lands within the jurisdiction; and a posterior adjudger before the Court of Session preferred; though we agreed that adjudications in the Sheriff court are competent; and, *2dly*, That if this bond had been only *destinatione* heritable by secluding executors, the adjudication would have been good.

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1753 November 16. MURRAY *against* CREDITORS OF BURNET.

No. 46.

FOUND, That an adjudication for a revenue debt has no preference over other adjudications within year and day of it.

\* \* \* See the case *voce* KING.

See NOTES.