

COMPENSATION—RETENTION.

1733. *June 29.* *BAILLIE against DAWSON.*

No. 1.

FOUND that compensation is competent after a decret in absence obtained against one out of the country who knew nothing of the process. (*Vide* No. 1. *voce* BILL OF EXCHANGE.)

1733. *November 29.*

SUSAN BARHAM, Relict of FRASER of Kinnmundie *against* LORD MOR-
DAUNT.

No. 2.

AN Assignee pursuing for payment, compensation upon a debt of the cedent's assigned to the defender was repelled; because, though his assignation was prior to the pursuers, yet the defender had not intimated his assignation to the pursuer's cedent, (then his creditor,) till after the pursuer had intimated her assignation to the defender.

1735. *July 24.* *Dr LEARMONT against WATSON of Saughton.*

No. 3.

COMPENSATION of a widow's jointure sustained by expenses of her funeral, against the physician who attended her at her death for her son, though he was bound to bury her. (See NOTES.)