

No 110. 1613. March 5. DOUGLAS against FERGUSON and CRANSTON.

In an action betwixt Mr Richard Douglas and John Ferguson for reduction of a tack *ex capite interdictionis*, the LORDS found the reduction competent to the said Mr Richard, who was assignee to the person interdicted, viz. the Lord of , and that he might be heard to reduce, as well as the heir of the La. Cirlestain, in whose favours the interdiction was conceived.

In the same cause the LORDS found, that the interdiction was sufficient to stay the Laird of to give a tack, albeit it was *alleged*, that George Cranston, receiver of the tack, was kindly tenant.

Item, in the same cause it was found, that the extract of the publication proved the reason, and the LORDS would not compel Mr Richard to produce the principal, notwithstanding that Cranston offered him to prove the inhibition.

Fol. Dic. v. 1. p. 448. Kerse, MS. fol. 62.

No 111. 1618. March 4. A. against B.

It was *alleged*, That retours cannot be produced before the act of Parliament 1617, seeing they cannot be reduced conform to the act made by Ja. IV. Parl. 5th, cap. 57. THE LORDS repelled the allegiance, and declared they would not extend the words of the said act, made anent reductions of retours, to improbation of them.

Auchinleck, MS. p. 93.

No 112. 1623. February 7. LESLY against PITCAPLE.

THE LORDS found an allegiance relevant proponed against a registered sasine, improbation being offered to be proponed, which the party offered to produce *cum processu*.

Kerse, MS. fol. 208.

* * * Haddington reports the same case :

THE Laird of Lesly of that ilk pursued an action of nonentries against his vassals, and produced his sasine extracted from the register of sasines. It was excepted it could not be a title, because they offered to improve it ; but the LORDS sustained the sasine, the pursuer offering to produce the principal *cum processu*.

Haddington, MS. No 2752.