1635. *December* 9. EARL of ROTHES *against* LESLIE.

A DECREET-ARBITRAL, at the instance of the Earl of Rothes against ——— Leslie, which was both written and subscribed by the judge thereof without any witnesses, is sustained by the Lords. *Page* 62.

1635. *December* 17. YEAMAN *against* ———.

AN act of Court, before a bailie, not obligatory after thirty-six years, unless something have followed upon the Act to qualify the acknowledgment of that act by the defender. *2d MS. Page* 8.

1636. *January* 16. JACKSON *against* RUTHERFOORD.

A CHARGE of horning, executed at the rebel's dwelling-house, not designing the dwelling-house, is found null by way of exception.
2d MS. Page 96.

1636. *January* 19. WATSON *against* ROBERT MACKALAY.

IF a curiality be not pursued by the husband, nor possessed after the heretrix his spouse deceases, but [he] has suffered the heir, or the singular successor to whom the heir disponed the right of the lands, to bruik and possess the same all the days of the husband's lifetime, unquarrelled,—the executors of the husband may not, after his decease, move action against the heir or singular successor, for the maills and duties of the lands, as due to the defunct by the curiality.
2d MS. Page 40.

1636. *January* 19. VIOLET LAYNG *against* The LAIRD of HADDOW.

IN an action of reduction pursued by Violet Layng, relict of the deceased Mr Thomas Garden, minister of Tarves, for reducing of a decreet *reductivè*, obtained at the instance of the Laird of Haddow against Gordon of Tullialt, for reducing of his infeftment, because it was not leasom to Tullialt to dispone the said lands, or any part thereof, without consent of the superior; which infeftment was reduced for not-production, and all the subaltern infeftments *per consequentiam*; which decreet being craved to be reduced, by reason the said relict was ready to produce her right, and dispute against the reason of the first reduction;—it was alleged by Haddow, that the relict's summons of reduction was not relevant nor formal, because she calls not for production of the first summons of reduction, containing the reasons. To the which it was answered, That she had no reason to call for that summons; because, in decreets of reduction for not-production, the clerk inserts not the reasons libelled in the sum-