

1685. *November.* Scot of Bassenden *against* ———.

No 107.

IN an improbation, compearance to stop certification by production being made for one who pretended to be apparent heir to the defunct, whose writs were called for,

It was *alleged* for the pursuer; That such a one had no interest to produce writs to stop the certification, he neither being heir served, nor his apparency notour.

*Answered*; An apparent heir has interest to stop certification; and the defender offers him to prove, that he is holden and reputed *sanguine proximus* to the defunct, who died many years ago *ultra hominis memoriam*.

THE LORDS allowed the probation *ad hunc effectum*; and it being proved, that the defender was holden and reputed *sanguine proximus* to the defunct, they sustained his interest to produce what writs he could to stop certification.

*Harcarse, (IMPROBATION AND REDUCTION.) No 562. p. 156.*

S E C T. V.

In what cases Extracts sustained to satisfy production.—When concordance of the writs called for is sufficient.—Transumps.

HOME *against* LAUDER.

IN an action of improbation betwixt Mr Alexander Home and Mr Alexander Lauder, and betwixt William Fisher and Mr James Hardlaw, the LORDS, after litiscontestation, admitted a tenor and transumpt to stay the certification.

No 108.

*Kerse, MS. fol. 205.*

1610. *November 22.* HOME *against* PRINGLE.

No 109.

IN an action pursued by Thomas Home, brother to Coldingknows, against James Pringle of Whytbank, it was found that Whytbank might improve the extract of the horning, albeit the principal was not produced.

*Kerse, MS. fol. 204.*