

- No. 6. whatsoever, and he having none procreated betwixt him and the said Marjorie, his brother, the Laird of Craigy, succeeded to the lands, who thereafter made alienation to the Laird of Kilfauns; but the most he could was, agere ad implemendum contractum^p matrimoniale inter Stewart et Ross.

The Lords found by interlocutor, That Dowhill could have no direct action against the Laird of Kilfauns to reduce the infeftments, because they were in this case but *singulares successores*; and reserved action to him against Craigy, vel ad implemendum contractum matrimoniale vel ad reductionem infeofamenti facti in fraudem ejusd. ad arbitrium actoris.

Colvil MS. p. 470.

1593. December 20. LAIRD RUTHVENS against CREICHTOUNE.

No. 7.

An apparent heir cannot reduce an alienation made by his predecessor after interdiction.

Apparent heir may not reduce an alienation made by his predecessor after he was interdicted. But the interdictors may pursue the reduction themselves, without concurrence of the heir or apparent heir. *Item*, A party in some causes will be heard to compear in one part of the process, and be not compearing in all the rest.

Haddington MS. No. 159.

* * * The above is only the rubric of the case. The report itself is obliterated in the MS. copy belonging to the Faculty of Advocates. There are other copies extant, to which the Editor expects to obtain access.—See APPENDIX.

1610. November 20. MASTER OF BOYD against LD. CARWELL.

No. 8.

An apparent heir of ward lands will obtain a modification for his aliment, although he be not served.

An apparent heir of ward lands will get modification for his aliment, albeit he be not served heir, but the pursuit of that action will make him heir. In the estimation of the rental, the Lords will not only consider the yearly duty of mail and farm, but also the entries and grassums which the donatars to the ward have got from the kindly tenants, because in many parts of the country the grassums are great, and the yearly duty very mean.

Haddington MS. v. 2. No. 2002.

1616. January. GLENDINNING against TENANTS of PARTON.

No. 9.

In an action pursued by Glendinning of Glendinning against the Tenants of Parton, for spuilziation of teind, the Lords would not sustain an inhibition used as heir to his goodsir, because he was not sevred or retoured at the time of using of the inhibition.

Kerse MS. p. 138.