

other part, That the King's Majesty and his donatar was not obliged to know any other tenant or sub-vassal in the pursuit of recognition, but only the immediate tenant to our Sovereign Lord. Practics were alleged *hinc inde*, but nothing produced, and certain processes of recognition that were led in the time of King Ja. the 4th were shown to the Lords, whereintill it was not found to be of necessity to summon the sub-vassals, or them to whom the alienations were made. THE LORDS therefore found, that it was not of necessity to summon the sub-vassals.

Fol. Dic. v. 1. p. 138. Colvil, MS. p. 400.

No 71.

1629. July 27. L. of WARDIS against L. BALCOMY.

IN a declarator for regress again to the lands excambed, by reason of eviction of lands which were given in excambion; it is not necessary for the pursuer, who for eviction of the lands given in exchange, pursues to be restored to his lands which he gave therefore, to summon any parties to that process, but the party or his heirs with whom he excambed, and the person then heritable proprietor, if any be possessors of these lands; and it is not necessary to summon any intervening mid persons, acquiring right from the excambers, betwixt them and the saids last heritable possessors, albeit these persons intervening be authors in his right to the present possessor convened, and subject in warrandice thereof.

Act. Nicolson & Russel. Alt. Advocatus & Stuart. Clerk, Gibson.

Fol. Dic. v. 1. p. 138. Durie, p. 455.

No 72.
In a declarator for regress to excambed lands, because of eviction of the lands given in excambion, it is only necessary to cite the party, or his heirs, with whom the excambion was made, and the present heritable proprietor of the excambed lands; but no need of citing his intermediate authors.

S E C T. XVIII.

Citation in Simple Reductions of Voluntary Rights.

1615. July 26. DOUGLAS against LAIRD of WAITHTON.

IN an action pursued by Sir Archibald Douglas of Quhitingham *contra* the Laird of Waithton, for reducing his infestment of the lands of Yeldie, granted to him and his predecessors, by the Earls of Bothwell, THE LORDS found that there was no necessity to summon the Lord Buccleugh, who was superior to the Laird of Waithton.

Fol. Dic. v. 1. p. 138. Kerse, MS. fol. 236.

No 73.
In a reduction of a vassal's infestment of his lands, there is no necessity to summon the vassal's superior.