pursues his declarator, that will not sustain his order, at the using whereof he not having produced the reversion, the order is null. No 6.

Fol. Dic. v. 2. p. 323. Haddington, MS. No 1746.

1613. *July* 13. CRICHTON of CLUNIE *against* the LAIRD of BANDOUN.

No 7.
Might warning be given at the same term at which the order of redemption was used?

IN an action of reduction, pursued by Mr Robert Crichton of Clunie *contra* the Laird of Bandoun, it was opponed against the decreet of removing, that Clunie could not warn notwithstanding, because he was denuded in favour of ———— who, the time of the warning, stood heritably infeft to him. To the which it was *answered*, That the act of Parliament speaks only that warning shall be made at any term after the redemption, *idque* where there is a lawful order used, so the warning cannot be used at the same term; and farther, the act finds, that after the declarator the same may be drawn back, so that Clunie may either allege that the lands were renounced, or declared redeemed, and that he was infeft upon the redemption. THE LORDS, for the most part, were of this opinion, that the warning might be made at the same term at which the redemption was used; but they would not find *pro* or *contra*, only they found the reply noways relevant, except Clunie would say that he was re-infeft. *Item*, It was alleged thereafter, that ———— had renounced in favour of Peter Hay, who was infeft, holding of the King. THE LORDS repelled the allegeance, as of before, because Clunie was never released, and so could not make a warning.

Kerse, MS. fol. 83.

1615. *January* 27. Lord SANQUHAR and SEATON *against* JAMES CRICHTON.

No 8.

IN an action of redemption, pursued by William Lord Sanquhar, and Mr Alexander Seaton, *contra* James Crichton of Craw, the LORDS found that the condition of reversion behoved to be fulfilled *in forma specifica*, and could not be fulfilled by equipollents, *see* No 11.

Kerse, MS. fol. 83.

1616. *February* 8. LESLIE *against* LESLIE.

No 9.

IN an action pursued by James Leslie of that Ilk *contra* George Leslie of Chapelton, for redemption of certain lands, wadset by himself, the LORDS sus-