

1619. March 24. FARQUHAR *against* LAW.

No. 10.

Licence to pursue (to an executor decessed) sustained, albeit *omnium bonorum*.
Kerse MS. p. 133.

1622. December. KIRKLANDS *against* RUTHERFORD.

No. 11.

The Lords found no process upon a decret of executry, without licence or confirmation, albeit the action was only for exhibition of the bonds pertaining to the defunct, to the effect they might be confirmed.

Kerse MS. p. 133.

1624. November 20. L. LAGG *against* HIS TENANTS.

No. 12.

In the action of the Laird of Lagg and his tenants, the Lords found, That the denunciation of lands to be comprised, being done and made before the term of Whitsunday, was not a sufficient ground whereupon warning to remove from these lands denounced might be made, except also that upon the denunciation comprising had followed, and were exped before the warning; and that it was not enough that the denunciation preceded the time of the warning, and that the comprising thereafter followed thereupon, albeit the said comprising was exped before the term, if it was not also exped before the time of the making of the warning; before the which warning the Lords found that there could be no right to warn, except the comprising had been deduced before he made the warning. And the Lords are in use to find, that it is a sufficient title in a removing, a sasine proceeding upon a comprising, which is dated after the term of Whitsunday, to the which the warning is made, where the comprising upon which the sasine depends precedes the time of the warning.

Sasine on a comprising a sufficient title, altho' the party from whom the sasine had been deduced was deceased before the sasine was given.

In this process also, the Lords found, That any sasine taken by any compriser ought to be a sufficient title, albeit the party from whom the comprising was deduced was deceased before the sasine was given to him who comprised; for the comprising denuded him from whom the lands were appraised, so that it was lawful to him who comprised *quocunque tempore*, to take sasine thereupon, as well after the decess of him from whom the lands were comprised as before.—See No. 11. p. 13787.
voce REMOVING.

Durie, p. 150.