

1622. February 1. LAIRD of Craigie against His VASSALS.

IN an action of improbation pursued by the Laird of Craigie Wallace against his Vassals, the LORDS found, That where the pursuer of such action calls for the evidents made by his authors and predecessors, particularly condescended upon in the summons, that the pursuer must prove that these persons his authors, if they be strangers to him, were infeft themselves in these lands, for the evidents whereof, the defenders are convened, and also that the pursuer had right proceeding by a lawful progress from these authors, who were first infeft; and if the pursuer's predecessors be such persons to whom he may succeed in blood *in linea rena*, that likewise he must prove that he is lawfully served heir by progress to all these predecessors, whose deeds done by them are called for by that improbation, without which the LORDS found the action could not be sustained.

Act. Hope.

Alt. Nicolson & Cunningham.

Clerk, Gibson.

Fol. Dic. v. 1. p. 443. Durie, p. 13.

* * * Kerse reports the same case :

IN improbations the LORDS found now that the pursuer had no interest to call for writs made by his father, goodsir, grandsir, &c. except that either he prove that he is heir to them, or that they were infeft in the lands, that he succeeds to them. But this was in respect of the interruption; for Craigie had right from Carnell, who was a stranger; but where there is an interruption, the LORDS sustained.

Kerse, MS. fol. 207.

1622. December 20. LO. CATHCART against His VASSALS.

IN improbations, no process sustained at the instance of the Lo. Cathcart, for production of writs made by his father, because he libelled infeft as heir to his goodsir, and libelled not that his father was infeft, or that he was heir to his father.

In the same case the LORDS found, that the discharges of reversions being called for, the Lo. Cathcart behoved also to produce all his reversions *simul et semel*, and found it not sufficient to condescend upon the maker and receiver, date and sum.

Fol. Dic. v. 1. p. 443. Kerse, MS. fol. 207.

No 13.

In an action of improbation against vassals, in which writs were called for, granted by the pursuer's predecessor, the Lords found the action could not be sustained, unless the pursuer could make out, that he had been served heir by progress, to every predecessor whose writs were called for; and it was incumbent on the pursuer to produce his author's infeftments, and a progress to them.

No 14.