

No 8.

to him, and will not be obliged to warrant him, as was decided betwixt Polmais and Redhall. *Duplied*, Seeing she is infest publicly, and may be harmed by this action, her infestment being reduced, she should have been summoned thereto. *Triplied*, Her infestment not being called for *principaliter*, but only falling in *consequentiam*, he needed not to call her; and the furthest that can be sustained for her who is liferenter, is to suffer her to compare for her interest, and concur with the defender. Repelled this allegation.

*Spottiswood, (REDUCTION.) p. 269.*

No 9.

1623. December 12.

CROMBIE against \_\_\_\_\_.

IN an action Crombie *contra* \_\_\_\_\_, the LORDS found, That an action and summons of reduction might be sought to be transferred against the apparent heir, and in the apparent heir of him against whom the reduction was intended; because, as the reduction might be at the beginning pursued against the apparent heir, so might it be transferred *pari ratione* in the apparent heir of the defender in the reduction, he dying after the intending of the action; albeit he was neither heir nor charged to enter heir.

Clerk, Hay.

*Durie, p. 92.*

No 10.

1625. July 29.

E. of WIGTON against GEDDES.

THE LORDS repelled an exception proponed upon a sasine at a removing, in respect of this reply, that the sasine proceeds upon a charter and precept, discerned to make no faith, and that notwithstanding it was *duplicith*, that the sasine stands unreduced cled with 15 years' possession.

*Kerse, MS. fol. 207.*

No 11.

Where a testament was sought to be confirmed, the cause was allowed to be advocated from the

1626. July 26. NISBETS, ARTHUR'S OYES against His RELICT, and M'MORAHAME against M'MORAHAME.

IN an action betwixt the Relict of Mr John Arthur and his Oyes, the Bairns of Mr Patrick Nisbet, the LORDS sustained an action of advocacy from the Commissaries of Edinburgh, of a testament of the said Mr John's, desired to be confirmed before the Commissaries by his said relict, who was his executrix nominated in the said testament, and discharged the said Commissaries to pro-