

1625. *July 22.* LADY COCKPEN *against* LORD RAMSAY.

MY Lord Ramsay having obtained a declarator of the Lady Cockpen's liferent, as being vassal to the Earl of Lothian, which liferent had fallen to him as superior of these lands; this was sought to be reduced to her upon this ground, That she having obtained an infestment of these lands from her husband, Nichol Ramsay, to be holden of himself, afterwards he disposed the same lands to the Earl of Lothian, with her consent, with reservation always of her right of liferent; so she contended, that, by that disposition, she changed not her holding, nor yet became vassal to the Earl of Lothian; and so her liferent could not fall *hoc modo*. The defender *à contra* maintained, that, by consenting to the alienation, she had renounced all former right, and that her reservation was but as a new grant. Nevertheless the Lords sustained the reasons of reduction.

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1626. *February 28.* ——— *against* DOUGLAS of CASHOGILL.

A DECRET being obtained against the executors and heir of a defunct, as being both holden as confessed for payment of a debt, and the summons not bearing that each one of them was convened *in solidum*;—the Lords ordained the decret to divide among them, and the executors to pay the one half, and the heir the other.

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1626. *March 22.* LEWIS SOMERVILE *against* The LAIRD of EDMONSTON.

LEWIS Somerville pursuing a declarator of the Laird of Edmonston's escheat upon a horning executed at his instance, the want of three touts was alleged against the horning. But the Lords sustained it to be proven by witnesses.

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1626. *June 17.* AUCHINDINNIE *against* JOHN MURRAY and his CEDENT.

ONE being made assignee to a debt; compensation being alleged by the debtor against the cedent, militates as well against the cessioner as the assignee.

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1626. *July 5.* ANDREW RIND *against* The LAIRD of CARSE MONTEITH.

AN old mortification of some kirk lands at the kirk of Ava, made to the Ab-