

2do, The reason of the law is full stronger in precepts out of the Chancery than in the other case, the reason expressed being for preventing unnecessary charges in renewing of precepts: Now, this holds strongest in the case of precepts by the Crown, since it is very unreasonable, that, where a party has paid a full composition for obtaining a charter, and precept upon resignation, if he die before the precept be executed, his son or grand-son should be obliged to pay a new composition to obtain a new charter.

No 6.

* THE LORDS found, That sasines given to an heir or assignee, on a precept under the Great Seal, are warranted by the 35th act of the Parliament 1693; and therefore repelled the objection.'

Act. Sir James Nasmyth & Robert Dundas. Alt. Sir Walter Pringle. Clerk, M'Kenzie.
Fol. Dic. v. 1. p. 209. Bruce, No 11. p. 14.

 S E C T. III.

Death *pendente processu*;—*in cursu diligentie*.

1626. December 20. YOUNG L. LEY against BLAIR'S RELICT.

IN a declarator of the escheat of umquhile William Blair, rebel, at the instance of the young Laird of Ley, donatar thereto, against his relict, and brothers and sisters;—compared in this process one of the rebel's creditors, and *alleged* that the horning, whereupon declarator was sought, was null, because the rebel was deceased before the registration of the said horning. This allegation was repelled, and the horning sustained, albeit not registrate till after the rebel's decease, seeing he being lawfully denounced in his lifetime, the party might lawfully registrate the same *quocunque tempore*, as well after the rebel's decease, as before, being done *debito tempore*, within the time required thereto; for his intervening death could not be found a lawful impediment to hinder the user of the horning, to adhibit that solemnity which was required thereto of the law.

No 7.
A horning, whereon denunciation followed during the rebel's life, might have been registered after his death, and escheat might have fallen upon it.

Act. Mowat.

Alt. —.

Clerk, Hay.

Fol. Dic. v. 1. p. 210. Durie, p. 250.