

1627. *March 17.* EARL of LAUDERDALE *against* The LAIRD of CRAIGHALL and LEE of BROODWOOD.

A PARTY being infest in land, and he and his authors long in possession, to the which land another party pretended right, intending to serve himself heir to some of his predecessors of the said land; the party infest, and in the possession, obtains a decret of the Lords, discharging the director of the Chancellary to give out briefs, and the sheriffs to grant services of briefs to the other party, until he that stood infest be specially cited to compear in the said service.

*Page 20.*

---

1627. *March 27.* ARNOT *against* CAMPBELL.

IN an action of double pointing, the letters were found orderly proceeded, at the instance of one made assignee, by an excommunicated person, for a lawful debt, and onerous causes, albeit the assignation was made after the excommunication.

*Page 12.*

---

1627. *March 30.* JAMES CLERK *against* ALEXANDER BRUCE.

A CREDITOR takes a dative *ad omissa*, and pursues for gear omitted out of the other two testaments. The defender craves that the other two datives be produced before the pursuer get process, that it may be known if the gear libelled be omitted. The Lords found process at the pursuer's instance, upon production of his own dative.

*Page 238.*

---

1627. *June 16.* WILLIAM MUDIE *against* The BAILIES of MONTROSE.

THE Lords found the letters orderly proceeded against the Bailies of Montrose, for not delivering to William Mudie his charter and seasine, conform to the charge, notwithstanding they produced William Mudie's discharge, granting the receipt of the charter and seasine. Which discharge the Lords found null, because the charge was circumvened in subscribing the same.

*Page 142.*

---

1627. *June 25.* WILLIAM BRUCE *against* SINCLAIR.

A MAN, whose land is comprised for a debt, cannot be troubled personally for that debt, except he renounce the comprising.—*20th January 1628, Andrew Meldrum against William Gordon.* But, if the comprising cannot get possession, the comprising stays not personal execution.

*Page 34.*