

- No 26. was ordained to find caution to the husband, to warrant him at their hands, and at the hands of all others claiming interest.

Fol. Dic. v. I. p. 517. Durie.

*** This case is No 380. p. 6169., *voce* HUSBAND and WIFE.

- No 27. 1628. *January 15.* FALCONER *against* BEATIE.

FOUND *jus tertii* to a debtor in a bond to plead upon a backbond granted by an assignee to his cedent, obliging himself, that the sum should return to him, in case the assignee predeceased him, although the event actually happened.

Fol. Dic. v. I. p. 517. Durie.

*** This case is No 34. p. 5465., *voce* HERITABLE and MOVEABLE.

- No 28. 1028. *July 11.* SKELTON and His TUTOR *against* BROWN.

A haver of writs was ordained to deliver them up to a tutor dative, who had found caution, notwithstanding the defender offered to prove, that there was a tutor nominated in the testament.

Fol. Dic. v. I. p. 520. Spottiswood.

*** This case is No 9. p. 4647., *voce* FOREIGNER.

- No 29. 1630. *July 23.* LAIRD of PITSLIGO *against* ALEXANDER DAVIDSON.

IN a reduction of a retour pursued by the Laird of Pitsligo against Alexander Davidson, whereby the defender was served general heir to William Forbes, Laird of Pitsligo, the pursuer's grand-uncle; *alleged*, The pursuer had no interest to quarrel his service, because he was not the party who was next of blood to the said William, although the defender's retour were reduced, and so could not call his descent in question. *Replied*, He had good interest, because the defender, upon that service, had intended a reduction of certain infestments pertaining to the pursuer, for eschewing whereof he had reason to reduce his title. *Duplied*, Although he reduced his retour, yet there was another heir of line to William, that had the right the defender hath to reduce the pursuer's infestments. THE LORDS found the pursuer had very good interest to pursue, except the defender would renounce any right he did pretend to quarrel the pursuer's lands.

Fol. Dic. v. I. p. 519. Spottiswood, (INTEREST,) p. 181.

*** See Durie's report of this case, No 111. p. 7402., *voce* JURISDICTION.