

1629. *December 17.* The LAIRD of HERDMISTON *against* GEORGE BUTLER.

*A Proposition not unfit to be Motioned in Parliament.*

THAT in actions of reduction, of improbation, of warnings, and decreets of removing following thereupon, none shall be compelled to produce any warnings after so many years' space: in respect that men, having made warnings and obtained decreets of removing thereupon, are careless, for the most part, after that, what become of them; but having made their use of them, regard not much the keeping of them, thinking themselves secure enough by their decreets obtained upon them; so that many might sustain great prejudice if decreets of removing, of violent profits, comprisings, and all other things following upon warnings, were reduced for not-production of the warning, which are the grounds of all, twenty or thirty years, perhaps, after the warnings.

This was agitated in a reduction, by the Laird of Herdmiston, against Mr George Butler, wherein the pursuer, urging the production of a warning made by the defender some six years before, whereupon decreets of removing, of violent profits, and comprising, had followed; these difficulties were represented; and, in regard of them, the Lords made no decision in it, but persuaded the pursuer not to insist in the production of the said warning.

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1629. *December 18.* The LAIRD of CAPRINGTON *against* LORD OCHILTRY'S TENANTS of POLQUHAIRN.

THE like was found (as in Inglis *against* Kirkwood, 1627, July 20,) in a spuilie pursued by the Laird of Caprington against the tenants of Polquhairn, who clothed themselves with the right of an assignation to a tack made to them by my Lord Ochiltry; which was not sustained, in respect the said assignation was alleged made by him *stante rebellione*.

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1629. *December 18.* JOHN HOME of RENTON *against* The HERITORS in BERWICKSHIRE.

THERE being a summons raised at the instance of umquhile John Home of Renton, against a number of the heritors within the sheriffdom of Berwick, for so much out of every plough, for the crowner's fee, wherein he was infest;—after his decease his son wakened the same summons; and, because there were sundry who had conquest lands within these bounds, after the raising of his father's summons, he wakened it against them, as well as the rest that were contained in the first summons. The Lords found that the wakening could be against none but those contained in the first summons.

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