

## JUS TERTII.

### S E C T. I.

Pursuer must qualify a Legal Interest, otherwise no Process.

1628. February 29. EARL of NITHSDALE *against* LORD WESTRAW.

No 1.

**S**UPERIORS have an interest to pursue improbation of retours against their vassals, because, if the retour fall, the lands will be in non-entry.

*Fol. Dic. v. 1. p. 516. Durie.*

\*.\* This case is No 25. p. 5192. *voce* GROUNDS and WARRANTS.

1630. February 11. KER *against* LIMPITLAW.

No 2.

It is *jus tertii* for a party to found upon a stipulation conceived in his favour, unless he can show a benefit thereby; and the stipulation may be transgressed *impune*, where the party in whose favour it is conceived is not prejudged thereby; and therefore two apprisers having entered into a contract that neither of them should alienate their interest, under the pain of forfeiture, action upon the contract was refused against the party transgressing, where the pursuer could qualify no damage by the alienation.

*Fol. Dic. v. 1. p. 515. Durie.*

\*.\* This case is No 4. p. 95. *voce* ADJUDICATION.

1665. June 16. BRUCES *against* EARL of MORTON.

No 3.

BRUCES pursue the Earl of Morton for payment of bond, who *alleged* that the bond was assigned by the defunct, and the assignation intimated, and a de-