1631. *November* 26. ROBERT CRAW *against* JOHN KERR.

ROBERT Craw, son and heir to James Craw,—which Robert, as heir to his father, stood infeft in two tenements in Dumfermling,—pursues John Kerr, to hear and see the reversion of the said tenements to have expired, upon a clause irritant, contained in the contract of alienation and wadset of the said tenement. It was alleged for the defender, No process at the pursuer's instance upon this contract, until the same be transferred *activè* in the pursuer's person. It was replied, That he stood infeft in the lands, and had no sums to seek by that decreet, nor no other conclusion but a declarator of the expiring of the reversion, to the which he needs no transferring. Which reply the Lords found relevant.

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1631. *December* 15. MICHAEL MAIR *against* ALEXANDER NISBETT'S CREDITORS.

WHERE donatars seek a general declarator of escheat, parties having interest may compear and object, against the general declarator, all that they can object against the special, where the donatar, or they to whose behoof the escheat is taken, are in the possession of the goods falling under escheat, because, having obtained a general declarator, they need not seek a special.—*Mr Michael Mair, donatar to the escheat of umquhile Alexander Nisbett, to the behoof of his Relict and Bairns,* against *The Creditors of the said umquhile Alexander Nisbett.*

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1631. *December* 15. WILSON *against* WATSON.

AGAINST a decreet suspended, the suspender may use a reason, referring the same to the charger's oath.

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1631. *December* 15. JOHN SINCLAIR *against* LIVINGSTOUNE.

JOHN Sinclair pursues transferring of a bond against Livingstoune, son and heir to the deceased John Livingstoune of Kinaird, and referred the summons to the defender's oath, and summons him to give his oath at a certain day; at the which day it was alleged, That the defender is a pupil, and cannot be holden to give his oath. The pursuer resiles from his oath, and offers to prove his summons, *prout de jure.* It was alleged for the defender, That if the pursuer use