

2. It was DEBATED, Whether a father, or grand-father could be notary in a writ or right in favours of the son, or grand-child.

The Lords did demur upon these points; and thought fit, that before answer as to these, the reason founded on *lecto* should be discussed.

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1667. July 15. ————— against —————.

EXHIBITION being pursued by an apparent heir, to the end he may advise, not only as to the writs in favour of the defunct, but such as were granted by him:

The Lords superseded to give answer as to the last member, until they should consider the Act of Sederunt; it being alleged by some of the Lords, That, by an Act of Sederunt, it was ordained, that no person should be forced to exhibit writs granted by defuncts in favour of himself, or his authors; except writs granted by parents, or husbands in favour of wives and children.

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1668. January 7. SIR JOHN HOME against The FEUARS of COLDINGHAME.

IN a process at the instance of Sir John Home of Rentoun, Justice-Clerk, against the feuars of Coldinghame; the defenders offered to improve the executions.

It was ANSWERED, They could not be heard, unless they would propone the said allegiance *peremptorie*; but that the same should be reserved by way of action.

The Lords, for avoiding the multiplying of processes, obliged them to propone the exception of improbation *peremptorie*: but the same being *prior natura*, and competent to be proponed before any other *in meritis causæ*; and yet being now proponed *peremptorie*, in form of process, being the last of exceptions; —The Lords admitted the defenders to propone their other exceptions, and reserved that to the last place.

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1668. January 15. M'KITRICK against —————.

THE prescriptions of reversions and expiring of legals, and the taking advantage of the same, are so odious; that the Lords inclined to find, that necessary debursements upon reparation of houses should not be allowed to a compriser, in a declarator to hear and see it found, That he was satisfied by intromission; reserving action to him for the same: But, before answer, they ordained the reporter to consider the debursements, and to report whether they were absolutely

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