

1681. *November.* LORD ST ANDREW'S *against* SIMSON.

A FIRST adjudication, upon an apparent heir's renunciation, was ordained to be seen by a con-creditor, and not allowed to pass summarily.

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1681. *November.* THOMAS ALLAN and DRYSDALE *against* ROBERT ALLAN.

A BOND, whereby a father obliged himself to dispoise a parcel of lands to his youngest son *in familia*, being delivered to a friend, was found not alterable; there being no such power reserved.

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1681. *November.* CHARLES HAMILTON *against* JAMES STUART of WELLS.

A DISCHARGE obtruded against a bond for 8000 merks being lost, the Lords ordained witnesses to be examined, *ex officio*, concerning the verity of the discharge; although it was contended that it could only be made up by a proving the tenor. *Vide* No. 169, [Mercer against Adie, 15th December 1681;] and No. 644, [Gordon against Forbes, February 1682.]

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1681. *November 17.* BALMADIES and his LADY *against* NISBET of CRAIGENTINNIE.

A CREDITOR having restricted his debt, in case the remainder were precisely paid at a certain term, and having, after elapsing of the term, pursued for the whole;—the Lords found the failyie purgeable by present payment, if the cause of the restriction was onerous, but not if it was not onerous.—*Vide* No. 1030, Dryburgh against Creditors, 24th November 1686.

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1681. *November 19.* FLETCHER *against* _____.

FOR proving the date and delivery of a holograph discharge of annual-rent, produced for clothing a base infestment with possession, *in anno* 1664, in a com-