

charging and denouncing Buchan unwarrantable, he having scored his name out of the decret; and therefore ordained Thomas Young, on his own charges, to relax Alexander Buchan, and to obtain him the gift of his own escheat.

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1686. *February 11.* COLIN LAUDER *against* JANET TROTTER.

JANET Trotter, relict of one Brisbane, being incarcerated by Colin Lauder for a debt; upon Redford's report she was liberated, on an intimation made to him in terms of the Act of Sederunt 1675, and presenting a bill of suspension, and offering upon oath to consign a disposition of her means. So, if this course hold, there need no more decreets of *cessio bonorum*; for this is a far more summary way.

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1686. *February 12.* ANENT TRANSFERENCE.

The Lords, on Kemnay's report, found a summons of transferring could not be summarily called like an Act, but behoved to be seen and returned, but needed not then abide the course of the roll.

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1686. *February 13.* CALDERWOOD of PITTEDY *against* BELCHES of TOFTS.

THE Lords reponed Calderwood of Pittedy in his action against Belches of Tofts, to all his defences against that decret of reduction of his author's right, because he had then a comprising, and was not called to that decret.

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1682 and 1686. SIR ROGER HOGG, Lord Harcouis, *against* LORD PITSLIGO; or LORD PITSLIGO *against* ROBERT and ALEXANDER MILN.

1682. *March 24.*—THE Lords, on Saline's report, found a comprising, led by a conjunct fiar or liferenter, not only for his liferent use, but also for the very stock and fee of the money, to which he had no right, accresced and belonged to the fiar of the sum, and was a valid comprising, and subsisted *quoad* both.

Though it was objected that the fiar's name was not in all the comprising, nor had he given either factory or assignation; and it was not led at his instance; and though it was an heritable sum bearing annualrent, being before the Act of Parliament 1641, made anent such sums; and yet was not first rendered moveable by a charge.

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See the intermediate parts of Fountainhall's Report of this case in the Dictionary, page 6,040, *et seq.* under the names, *Pitsligo against Hilstone and Hog.*