make payment, so that it was uncertain to him where to pay the moneys, there being no place in the contract designed for payment; and that the instrument of requisition bore not, that the procurator shewed and delivered his procuratory to the notary, to the effect the notary might read the same to the party; for albeit that the instrument bore, that the notary read the same procuratory to the party, these words were eiked upon the margin of the instrument since the same was produced by the party, without any clause making mention of the reading of the procuratory, and whereby he alleged, that it could be sustained; and although the same might be received, as it is now mended, he alleged it was not sufficient, not purporting that the procuratory was delivered to him as notary, to be read by him, as ought to have been done; for the reading thereof by the notary himself, without the procurator's own direction, was not an act of his office, but was only proper to the procurator to have desired it, and upon his desire the notary ought to have done it, and to give instruments thereon; and it is not his office to be notary to his own deed, but in so far as he has the preceding warrant of the requirer; as in sasines, the notary reads the precept at the desire of the party, and the instrument makes mention thereof, and sicklike in other acts; in respect of all which conjoined, the requisition was not sustained. No 21.

Act. *Hope et Nicolson.* Alt. *Aiton et Stuart.* Clerk, *Scot.*

Fol. Dic. v. 2. *p.* 322. *Durie, p.* 341.

1628. *February* 8. STEWART *against* BAILLIES.

A WADSET being redeemed, and the party from whom the lands are redeemed refusing to resign, but only to renounce, is ordained to resign according to the orders of reversion, bearing to resign, renounce, quit, claim, and overgive. No 22.

Auchinleck, MS. p. 181.

1628. *March* 15. LORD CATHCART *against* LAIRD of CARSS.

THE Lord Cathcart wadset some lands, which came thereafter into the hands of Carss Crawford. The said Lord uses order of redemption against the Laird of Carss, and pursues declarator of redemption. It is *alleged* by the defender, All parties having interest are not called, viz. the Laird of Carss's author. THE LORDS found it necessary that one be summoned to represent him who gave the No 23.

No 23. first reversion, and the present titular of the land, and no more persons, although the land, after the first wadsetting, had past *per multas manus*.

Auchinleck, MS. p. 181.

*** Durie's report of this case is No 54. p. 2204. *voce* CITATION.

1628. *March* 20.

L.A. LAURISTON *against* The LADY CRAIGMIS, Relict of the Laird of Merchiston.

No 24. FOUND that a reversion, comprised by the L. Merchiston to himself and his heirs, pertains to his eldest son, notwithstanding he comprised the reversion of a wadset of the lands of the Seames made to him and his Lady in liferent, and to John Napier, their son, in fee, by Henry Kincaid, and that it was *objected*, that the comprising of the reversion in the person of him that was wadsetter, extinguished the reversion in his own person, and so extinguished it also in the person of his Lady, and John Napier her son.

Kerse, MS. p. 84.

1628. *June* 26. L. NEWARK *against* His SON.

No 25. Premonition and consignation made on a Sunday, sustained. IN a redemption L. Newark against his son, the LORDS sustained the order of redemption, albeit it was quarrelled by the defender, as not orderly deduced, seeing he alleged, that the time of premonition, the reversion was not showen, nor read to the party premonished, which was repelled, and found not necessory, especially in this case, where the charter given to the defender's brother, of the lands desired to be redeemed from this defender, as apparent heir to him, was given under reversion, and so the reversion was *in corpore juris rei*, and needed not be shown and read to him; and also the order was sustained, albeit it was alleged, that the same being done upon a Sunday, upon which it was not lawful to execute any such civil acts, it ought therefore to be found null; which allegeance was repelled also, for they would not find the order null therefor, especially where the sum of the reversion was only a rose-noble, and so needed not to distract the parties over long a space in the numeration, and nevertheless thought it expedient, that such acts should not be done on Sunday again; likeas the consignation was made on Sunday, because the premonition was made to that day, the reversion providing that redemption might be made at any