

1649. *December 19.* DOWGLAS *against* GRAHAME.
 [See the preceding Case.]

YET, in the like action for proving of the tenor of a bond lost in a house that was burned at the Netherbow, as was alleged, the Lords would not sustain that summons, except there were some adminicles libelled and proven, as discharges of annualrent; condescending also on the term of payment. Which action was at the instance of one Dowglas against Grahame, as heir to his umquhile father, alleged debtor.

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1649. *December 19.* JOHN PETERS *against* HAMILTOUNE.

IN the suspension at John Peter's instance against Hamiltoune of Westport, assignee constituted by Gilbert Lawder of ——— to a bond of relief granted by the said John Peter to him,—the reason, That the said bond bearing in the narrative that the said Gilbert should have subscribed the security made to the said John of his lands of ——— by his brother William, but that he had not done it,—was found relevant by the Lords, aye and while he did the same.

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1649. *December 20.* ROBERT LOGANE *against* His TENANTS.

IN the removing, Robert Logane against his tenants in the Sheriff-brae of Leith,—the exception, that all parties having interest were not warned, *viz.* Mald Cave, relict of umquhile John Logane of Cowstoune, was repelled; because it was not subsumed that they were tenants to her by payment of maill and duty before the warning; and if she had had any right, let her compear for her interest, produce her right, and propone the same.

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1649. *December 20.* ——— *against* ———.

IN the process ——— against the superior, by way of suspension at the superior's instance; who alleged, That he could not infest him as heir to his goodsir or grandfather, because there was one standing infest upon a new gift from a superior from whom the lands were appraised;—the Lords repelled the said reason as irrelevant, seeing the superior ought aye to infest upon a charge, whether out of the Chancellary or by comprising, *salvo jure cujuslibet*; and, if he have any proper interest, let him propone it or reserve it *prout de jure*; for it was minted at on another reason, upon a decret of improbation against all those old writs.

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