

1650. *January 24 and 25.* DUMBAR *against* HAY.

IN the suspension, Dumbar against Hay, the Lords found the commissary of Murraye's decret scarce well instructed in the title *passivè*, nor yet well proven; and so turned the same in a libel, to be disputed again.

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1650. *January 24 and 25.* WILLIAM GRANT *against* GRANT of BALLANDALLOCH.

IN the suspension, William Grant against Grant of Ballandalloch, the decret of removing was sustained, in respect of the wife's seasine, who had been infest by her umquhile husband *intuitu matrimonii*, as is alleged; suppose her said umquhile husband, upon a redemption of the half of the lands, had renounced the same, even that half wherein she was infest, but without her consent. Alleged likewise, That the renunciation was null, as not being registrate *debito tempore*. But the Lords would have the contract of marriage to be produced, and her to say for what reason of her interest she can object that nullity, seeing the said William was not obliged to ken her, but to redeem from her husband, to whom it was wadset: and farther, it being amongst them *donatio inter virum et uxorem, tacite revocata fuit* by the redemption and renunciation.

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