

ceed in the confirmation thereof, until an action of reduction, intended before the Lords, for reducing of the said testament, was first discussed, intended at the instance of the said Oyes against the Redick; but the Lords assigned a day in December to the said reducers, to discuss the said reduction, after the which day they would consider if any further day should be granted, to end the reduction, or if then the matter should be remitted.

Nota. Four days before this, the contrary was done, betwixt M'Morahame and M'Morahame, where a testament craved to be confirmed, and desired to be advocated upon the like dependence of a reduction, the same was refused, and the matter remitted to the Commissaries.

Act. *Hope & M'Gill.*

Alt. *Stuart & Nicolson.*

Clerk, *Gibson.*

Fol. Dic. v. 2. p. 327. Durie, p. 228.

No 11.
Commissaries in consequence of a depending reduction; but, in a like case, a few days after, advocacy was refused.

1627. February 13.

A. against B.

No 12.

In a reduction, the extract of a registered writ doth satisfy the production, though it be registered after the intending of the cause. Otherwise, in an improbation, wherein the principal must be produced.

Spottiswood, (REDUCTION.) p. 266.

1627. December 21. EARL OF MARR against His VASSALS.

No 13.

In the action of improbation pursued by the Earl of Marr against his Vassals in Marr and Garioch, he called for all writs by my Lord Erskine, or Earl of Marr *nominatim*, or by Dame Isobel Douglas, or Margaret her mother; or by Thomas, brother to Margaret, or by any other of his successors, to whom he may succeed *jure sanguinis*. It was *alleged*, He could not call for writs made by Margaret, Donald, or Thomas, because the Earl of Marr, himself, produced no elder right to instruct his title, but that which was made by Dame Isobel Douglas. THE LORDS found that he had right and interest to pursue for reduction of the writs called for in the improbation, but reserved to them that produced elder rights than Dame Isobel's all their defences to be produced in the action of improbation.

Auchinleck, MS. p. 184.

1628. February 2.

A. against B.

No 14.

A SUMMONS of improbation and reduction being pursued by the defender produces his writs, to have the improbation, but refuses to reason.