

- No. 2. creet of the Lords, discharging the director of the Chancellory to give out brieves, and the sheriffs to grant services of brieves to the other party, until he that stood infest be specially cited to compear in the said service.

*Auchinleck, MS. p. 20.*

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1628. *November 27.*

LORD CARMICHAEL *against* CARMICHAEL.

No. 3.

THE Lords of Session, upon consideration of some difficulties that may arise in the serving of some brieves, will ordain them to be served before the macers, but this must be done by a summons, and not by a bill raised at the instance of the party who desires the brief to be served.

*Auchinleck, MS. p. 21.*

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1630. *March 6.*

The LAIRD of CASKIBEN, Supplicant.

No. 4.

Brieves may be directed to any judge to serve a man heir in general, though he do not live within that jurisdiction.

A SUPPLICATION given by the Laird of Caskiben, craving, that no warrant might be granted by the Lords to discharge brieves out of the Chancellory, direct to the bailies of the Canongate, for serving of him before them general heir to one of his ancient predecessors, viz. the Laird of Dalgetie; the Lords doubting hereupon amongst themselves, found, that brieves for serving of any party general heir to their predecessors, might be served before any judge within the kingdom, to whom the brieves were directed out of the Chancellory, and that that judge, (whosoever had jurisdiction) might proceed in these general services, the same not being special services to land, and that this hath been the usual custom before, albeit neither the impetrator of the brieves, nor his predecessor, to whom he was to be served general heir, did ever dwell or remain within that judge's jurisdiction.

*Fol. Dic. v. 2. p. 370. Durie, p. 501.*

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1784. *February 4.*

JANET HOUSTON and Others, *against* JOHN HOUSTON.

No. 5.

In the entry of heirs *more burgi*, the want of the legal formalities is not to be supplied by equipolent circumstances.

GEORGE HOUSTON executed a disposition of certain heritable subjects, lying within the burgh of Fortrose, "in favour of himself in liferent, and of the heirs of his body in fee; whom failing, in favour of his brother John Houston, and the heirs of his body."

After the death of George, John took infestment on the disposition *more burgi*. In the instrument of sasine, however, it was not expressed, that the bailies had