

prejudge him of his first gift. The Lords found he had no interest, *hoc loco*, to stay the general declarator.

The half of the Lords were of another opinion, and the President's vote decided the interlocutor. *Page 65.*

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1629. *July 31.* MR PATRICK MURRAY *against* MR JAMES STEWART, Commissary of Dunkell.

AFTER exception of improbation be proponed, no action of reduction can be pursued. *Page 96.*

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1629. *November 21.* LINDSAY *against* The LAIRD of LAURISTON.

ONE may arrest for payment of an heritable bond.

*Page 12.*

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1629. *November 28.* ALEXANDER BALMANO *against* JOHN BALVART.

ALEXANDER Balmano sought transferring of a decret obtained at his mother's instance, being liferentrix, for pointing of the ground of Gentarkie and Pittembrooke, for an annualrent of £40 resting owing sundry years preceding her decease; which byrns, he, as executor dative decerned to his mother, and having licence to pursue, craves to be transferred *activè* against the alleged heritor W. B. and certain other persons contained in the decret of pointing, and against John Balvart for his interest, who was not called nor convened in the first decret, which is now craved to be transferred. It was alleged for the said John Balvart, That it could not be transferred *activè* against him, because he was not contained in the first decret. It was answered, That the transferring was not *activè*, and the said John could never stay the transferring of the decret against the persons therein contained, seeing John was but for his interest. The Lords ordained the decret to be transferred, and reserved to John Balvart his defences *in causa.* *Page 241.*

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1629. *December 1.* JOHN KINCAID *against* SIR LEUES LAUDER.

SIR Leues Lauder, who had denounced John Kincaid, who holds the lands of Gogar of the said Sir Leues in feu-firm, to the horn, for non-payment of his duty, which horning was unknown to the rebel, while year and day was expired; after which time Sir Leues, as superior, disposes the gift of his vassal's liferent, and the donatar intents declarator. John Kincaid intents reduction of the horning, and all that followed or might follow thereupon, by reason the said Sir Leues had fraudulently concealed from his vassal having denounced him to the