

No 152. Albeit the LORDS will not grant action of improbation to him who libels nor produces no right but his own infeftment, to compel the defenders to produce the old infeftments granted by the King's predecessors to their predecessors, yet it is sufficient to compel them to produce the infeftments granted to them by the King's Majesty that now is; because albeit the LORDS allow not that he who is lately infeft shall rifle the defender's old charter chest, yet they will give action for production for as old evidents as he qualifies to pertain to himself or his predecessors, to whom he is heir.

*Haddington, MS. No 1822. 1834. 1835. 1836. 1837. & 1839.*

No 153.

1627. *June 13.* Sir JOHN HAMILTON *against* The TENANTS of BARGENY.

IN general improbations, no certification can be granted against any writs anterior to confirmations, original infeftments, or precepts of *clare constat*, granted by the pursuer himself, or his predecessors to whom he may succeed *jure sanguinis*; or yet granted by any of his authors, to whom he is singular successor; for in this case the LORDS put no difference between a singular successor and him of blood.

*Fol. Dic. v. I. p. 452. Spottiswood, (IMPROBATION.) p. 164.*

No 154.

1635. *March 24.* MRS KEITH of Benholm *against* HER HUSBAND'S HEIRS.

THERE was a bond granted by Mr Alexander Keith of Benholm to his wife, for infefting her in the lands of Brotherton and others, which bond was thereafter ratified by his heirs before his death; after which they sought to have the said ratification reduced, as if they had been circumvened in the giving of it, wherein having succumbed, they offered to improve the bond. *Alleged*, They could not be heard, because they had ratified the same. *Answered*, Notwithstanding, they might improve it, if it were false. THE LORDS found they could not improve it, in respect of their ratification, except they would improve the ratification first.

*Fol. Dic. v. I. p. 452. Spottiswood, (IMPROBATION.) p. 170.*

1703. *January 28.*

ROBERT GLENDINNING of Partoun *against* JOHN IRVING of Drumcoltran.

No 155.  
Certification  
against a  
principal  
right was re-  
fused, in re-

IN the reduction and improbation at the instance of Robert Glendinning of Partoun against John Irving of Drumcoltran, for reducing a wadset right of the lands of Borland, granted by the pursuer's father to Mary Maxwell, from whom, and Robert Thomson of Kirkland her husband, when under distress for debt,