

REDEMPTION.

13463

1638. December 11. FINLAYSON *against* WEMYSS.

No 39.

PREMONITION being by paction to be made at the parish-kirk, the LORDS sustained it, though not made there, but personally, notwithstanding that re-versions are *stricti juris*.

Fol. Dic. v. 2. p. 325. Durie.

* * * This case is No 5. p. 2170, *voce* CHARGE TO ENTER HRIR.

1639. March 6. URQUHART *against* BARCLAY.

No 40.

A REQUISITION to a minor and his tutors and curators, was found valid, without necessity of obtaining the Lords' letters, granting warrant to require tutors and curators.

Fol. Dic. v. 2. p. 325. Durie.

* * * This case is No 33. p. 840, *voce* ASSIGNATION.

1662. February 19. CHILDREN OF WOLMET *against* MR. MARK KER.

No 41.

In a declarator of redemption, at the instance of the Children of Wolmet, against Mr Mark Ker, it was found that the declarator needed not be continued, though the pursuer produced, not the reversion but an attested double thereof, and offered to prove, that the principal reversion was in the defender's hands;

Continuation not necessary in a declarator of redemption.

Which was sustained, the pursuers right being an apprising.

Fol. Dic. v. 2. p. 323. Stair, v. 1. p. 103.

1663. February 17. Colonel JAMES MONTGOMERY *against* The HEIRS of ROBERT HALYBURTON.

No 42.

In a declarator of redemption of a part of the lands of Collfield, THE LORDS sustained the order at the instance of the Colonel, as being a singular successor, albeit he produced not the reversion at the using of the order, nor now, seeing the defenders compeared and he offered to prove by their oath or their curators, that they had the contract of wadset in their hand both then and now.

Redemption sustained at the instance of a singular successor, though he did not produce the reversion, but offered to prove that it was in the hands of the defender.

Fol. Dic. v. 2. p. 333. Stair, v. 1. p. 181.