

1676. *November.*

ANENT HERITABLE BONDS.

THEY say the Lords inclined to find that the assigning of an heritable bond made it moveable, like to a charge of horning or a requisition, and that Stairs has something of it in his System, tit. . Of Real Rights, *in principio*: but I think it must only be a mistake; though, by the act of Parliament in 1617, the assigning of a liferent tack makes it moveable, and to fall under single escheat. *Vide supra, hoc eodem numero, § 2.*

In the case betwixt Doctor Craig and Riccarton, they say, the Lords found bonds bearing clause of infestment, though no infestment actually followed thereon, belonged to the heir of conquest; and yet it would seem more agreeable to law, that they should fall to the heir of line, as moveable heirship, tacks, reversions, &c. do. But they answer, that only such real rights fall to the heir of line whereupon infestment cannot follow; but this decision is dubious. See Stair's System, tit. . Of *Heirs*, where he speaks of conquest. *Vide infra, No. 526, about the three sisters called Mitchelsones.*

*Advocates' MS. No. 508, § 12, folio 267.*

1676. *November 24.* ————— *against WILLIAM WEIR.*

THE Lords this day reduced two decreets of adjudication, &c. obtained by Mr William Weir, at least assigned to him against Mr Edward Ruthven, son to the Lord Forrester, and, by his mother, apparent heir to the Earl of Bramford. The reasons were, *Imo*, Because the heirs of line were not first discussed. *2do*, The decret was extracted after an intimated stop untaken off. *Vide supra, June, 1676. Tenants of Bathgate, No. 479.*

In this action, Mr William Weir was much frightened by a rumour, as if the Lords had designed to turn him out of his employment as an advocate *cum nota infamiae*, and to make him an example; because, it was alleged, he had taken an assignation to it while it was a depending plea, contrary to the act of Parliament; *vide supra, No. 482, Eleiston, in June, 1676*: but he affirmed to me, it was decerned before he took assignation. However, there was nothing of it; and the Lords contented themselves with the reprimand to Wauchop, the macer, for the like deed at the same time. See the story of it in my Remarks of the occurrences in Session, on the 17th of November, 1676.

*Advocates' MS. No. 509, folio 267.*

1676. *September, and November 30.* LORD HALTON *against* The TOWN of DUNDEE.

*September.*—My Lord Halton, treasurer-depute, as coming in the place of the late Earl of Dundee, by the gift of *ultimus hæres*, obtained a decret at Secret