

1713. *November 11.*

JOHN MURRAY Elder, and JOHN MURRAY Younger of Touchadam,
against JOHN WORDIE of Torbrex.

No 67.
Found in
conformity
with Craigie
against his
Vassals, No
13. p. 6617.

IN a reduction and improbation at the instance of John Murrays, elder and younger of Touchadam, against John Wordie, as their vassal, the LORDS sustained this allegiance, that the defender could not be obliged to take a day to produce any writs but such as flowed from the pursuers themselves or such of their predecessors or authors as they connect a sufficient progress to; for the the LORDS thought a superior pursuing a reduction and improbation against his vassals' writs, to be in the same case with any other pursuer of reduction and improbation.

Fol. Dic. v. 1. p. 443. Forbes, MS. p. 1.

1739. *January 23.*

KEITH against LORD BRACO.

No 68.

AN adjudication proceeding upon a charge to enter heir, though no infertment had followed on it, found a good title in a reduction and improbation to force production of all writs flowing from the person to whom the party was charged to enter, or from his predecessors; but not to force production of writs flowing from the authors of said person or of their predecessors, unless the pursuer should first condescend upon such authors, and give reasonable evidence that they were his authors.—See TITLE TO PURSUE.

Fol. Dic. v. 1. p. 445. Kilkerran, (TITLE TO PURSUE.) No 1. p. 578-

SECT. II.

Conclusion calling for all Writs in general.

1616. *December 16.* DUNCANSON against PITCAIRN.

No 69.

IN an action of improbation pursued at the instance of Roger Duncanson contra Henry Pitcairn, the LORDS repelled an incident diligence, because it bore the evidents generally, as the libel of improbation did not condescend upon the special evidents.

The like betwixt the Laird of Innerkeith and Achintill.

Fol. Dic. v. 1. p. 446. Kerse, MS. fol. 573.