

session was in the heirs of the family. But the Court thought the gift of recognition and declarator thereon good, (though it was not voted,) particularly the President and Arniston; and therefore my difficulty as to sustaining these documents to restrict Barncleugh's right without proving the tenor of the contract remained. But upon the question, in which I did not vote, it carried to adhere.

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## REDEMPTION.

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### No. 1. 1735, Feb. 20. M'LEOD *against* SIR ALEXANDER M'DONALD.

THE Lords sustained the defences. They thought the sum not arrestable, notwithstanding the order and consignation before declarator; and they also thought, though it had been arrestable, it could not be arrested by a creditor of the apparent-heir.

### No. 2. 1736, Dec. 8. CROCK *against* GIBSON.

THE Lords adhered unanimously, whereby a premonition by an apparent-heir, who was served before consignation, was sustained. 2dly, Though the premonition do not bear production of a procuratory. 3dly, The consignation sustained, though the money was again taken up;—but then if the order had not been sustained, the irritancy in the reversion had been incurred.

### No. 3. 1741, June 12. RAMSAY *against* CREDITORS OF WILLIECLEUGH.

THE Lords found, just according to my opinion, written on the information. (See under the Note of No. 7, *voce* WADSET.) We found the wadset land redeemable, and that upon payment of the wadset sums the defenders must renounce and cede the possession, reserving to the defenders the benefit of Kinnear's apprising in any proper process, as accords; but found that the pursuer had no sufficient title to quarrel the defenders' right to the warrandice lands, without producing a right preferable to Kinnear's apprising; and 24th June adhered.

### No. 4. 1741, Dec. 4. SINCLAIR *against* MURRAY.

THE first question was, When a wadset is split by the wadsetter, whether the reverser can redeem from one, and not from the whole? The Lords found he could not, and therefore assolzied, and did not determine the other objections.