

## R E T O U R.

1554. December 10.

A. against B.

No 1.

**A**NE retour made in the form of a rollment of Court, subscribed with the clerk of Court, containing the names of the inquest, and their declaration, is sufficient within the burgh to be served as heir, howbeit it be not under the seal of the inquest, closed under the Baillie's seal, conform to the order of Chancery used in retours; as was found, by interlocutor, in a poor man's action.

*Fol. Dic. v. 2. p. 352. Maitland, MS. p. 112.*

1561. November 21.

WOOD against AN INQUEST.

No 2.

**A**NENT the summons raised at the Queen's Grace's instance, and John Wood; for his interest, against A., and others of Inquest, for manifest and wilful error for serving of Walter Wood, second son of umquhile G. Wood, as heir to the said G., of certain lands, howbeit of verity the said John, eldest son to the said G., was in life the time of the said serving, and yet is nearest and lawful heir to his said father. It was *alleged* for the said Inquest, That the said John Wood, eldest son foresaid, was, in time of the serving, and seven years immediately continually before, forth of the country, and reputed as a dead man, by his father and the whole country; wherefore, the said Inquest should be assolizied of wilful error; which allegiance was found relevant, and admitted by the Lords, and the said Inquest assolizied from wilful error.

*Fol. Dic. v. 2. p. 352. Maitland, MS. p. 129.*

An inquest was assolizied who had served a second brother heir to his father, tho' the eldest was alive, because the eldest has been long absent, and reputed dead.

1562. July 17.

LORD DRUMMOND against WISHART.

No 3.

**I**n the summons of error pursued at the Queen's instance, and my Lord Drummond for his interest, against certain persons of inquest, and George Wishart of that ilk, for his interest, it was *alleged* for the part of the Queen's

An inquest absolved from a charge of wilful error.