

1551. *January 20.* & 1559 *April 20.*JOHN ADAMSON *against* JOHN HENRISON.

No 4.

IN redemptioun of landis, conform to ane reversioun, beirand that the money sould be consignit in ane certane man's handis, gif the samin man, the time of the redemptioun, refusis to ressave and keip the said money offerit to him, or gif he be absent furth of the realme, or utherwayis cannot be apprehendit; it is leasum to the redemer to consigne the samin in the handis of ane uther man responsal, to be kept and be furthcumtand to the utilitie and proffeit of him fra quhom the landis ar redemit.

Fol. Dic. v. 2. p. 325. Balfour, (REDEMPTION.) No 1. p. 342.

1588. *January 3.*

HEIRS OF HENRY PITCAIRN *against* Dame EUPHIAM MURRAY, Lady ROSYTH, Relict of the Abbot of Dumfermline, and PATRICK INVERGONY, her Spouse, and JOHN PITCAIRN.

No 5.

IN an action of exhibition of evidents, pursued by the Heirs of Henry Pitcairn, immediate lawful brother to umquhile Mr John Pitcairn, Abbot of Dumfermline, for exhibition of the reversion of the lands of Gillies, granted by Mr John Pitcairn, brother to the said Mr Robert, to whom the said lands were disposed upon by the Abbot, upon the resignation of Mr John Richardson, the first feuar, *contra* Dame Euphiam Murray, Lady Rosyth, relict of the Abbot, and Patrick Invergony, her spouse, and against Mr John Pitcairn, giver of the reversion, to hear and see the same delivered to the Heirs of Henry Pitcairn; the LORDS found the right of the said reversion pertained to Henry Pitcairn of that ilk, eldest brother to the Abbot, and his daughters, and so found the reversion to be conquest, and excluded Mr John Pitcairn, who was granter of the reversion, and an heir of line.

Clerk, *Scot.*

Kerse, MS. fol. 83.

No 6.

1610. *January 19.* JOHN RULE *against* Mr WILLIAM BROWN.

HE who has comprised a reversion, and bond for giving a reversion, making premonition to redeem, and, at the using of the order, not producing the reversion, but only the bond to make a reversion, albeit thereafter, when he

REDEMPTION.

13443

pursues his declarator, that will not sustain his order, at the using whereof he not having produced the reversion, the order is null.

No 6.

Fol. Dic. v. 2. p. 323. Haddington, MS. No 1746.

1613. July 13. CRICHTON of CLUNIE against the LAIRD of BANDOUN.

In an action of reduction, pursued by Mr Robert Crichton of Clunie *contra* the Laird of Bandoun, it was opposed against the decret of removing, that Clunie could not warn notwithstanding, because he was denuded in favour of _____ who, the time of the warning, stood heritably infest to him. To the which it was *answered*, That the act of Parliament speaks only that warning shall be made at any term after the redemption, *idque* where there is a lawful order used, so the warning cannot be used at the same term; and farther, the act finds, that after the declarator the same may be drawn back, so that Clunie may either allege that the lands were renounced, or declared redeemed, and that he was infest upon the redemption. THE LORDS, for the most part, were of this opinion, that the warning might be made at the same term at which the redemption was used; but they would not find *pro* or *contra*, only they found the reply noways relevant, except Clunie would say that he was re-infest. *Item*, It was alleged thereafter, that _____ had renounced in favour of Peter Hay, who was infest, holding of the King. THE LORDS repelled the allegiance, as of before, because Clunie was never released, and so could not make a warning.

No 7.
Might warn-
ing be given
at the same
term at which
the order of
redemption
was used?

Kerse, MS. fol. 83.

1615. January 27. Lord SANQUHAR and SEATON against JAMES CRICHTON.

In an action of redemption, pursued by William Lord Sanquhar, and Mr Alexander Seaton, *contra* James Crichton of Craw, the LORDS found that the condition of reversion behoved to be fulfilled *in forma specifica*, and could not be fulfilled by equipollents, *see* No 11.

No 8.

Kerse, MS. fol. 83.

1616. February 8. LESLIE against LESLIE.

In an action pursued by James Leslie of that Ilk *contra* George Leslie of Chapelton, for redemption of certain lands, wadset by himself, the LORDS sus-

No 9.