

## S E C T. V.

## Exceptions reserved against delivery.

No 25. 1622. *February 7.* WISHART *against* LIES.

IN exhibitions, the LORDS repelled an exception founded upon an assignation and intimation of the bond craved to be exhibited, and ordained the bond to be exhibited reserving against the delivery.

This found where the assignee is dead; but if he be living, the LORDS will not bind the assignee to exhibit; Mr Thomas Ross against Patrick Scot.

*Fol. Dic. v. 1. p. 282. Kerse, MS. fol. 185.*

No 26. 1623. *June 26.* SMITH *against* ———.

SMITH libelling that his father had a bond made to him by Andrew Balfour of the sum of 600 merks which he had delivered to Robertson, notary, craved the bond to be exhibited and delivered to him. THE LORDS repelled the notary's exception, offering to prove, that it was consigned in his hands by Smith, because it was not relevant against the exhibition.

*Fol. Dic. v. 1. p. 282. Haddington, MS. No 2869.*

1715. *January 25.* HOUSTON *against* SCHAW.

No 27. FOUND that a substitute in an entail might insist against the granter for exhibition, reserving all defences against registration or any other legal effect.

*Bruce, No 41. p. 51.*

\* \* \* See this case, *voce* TAILZIE.

See JUS TERTII.

See APPENDIX.