

No. 17. been given by the Lord Kilmawers' predecessors, and therefore the pursuers' interest was sustained: And it was also found, that the pursuer needed not to summon the Lord Kilmawers, nor these pursuers' own authors to this reduction. Likeas it was found, that they needed not *in ingressu litis* for their interest, show any more to verify that they were infeft by the Lord Kilmawers' predecessors, but their return, bearing them to be served to be holden of him, with the sasine following thereupon; neither needed they in that place, before the reason was disputed, show that the Lord Kilmawers' predecessors were infeft by the King, and that they were his vassals, albeit the sasine produced and used by the pursuers bore, that the same was given upon the King's precept to the Sheriff, in respect of the Lord Kilmawers' refusal to seise them, which refusal in effect made rather, that the Lord Kilmawers was not superior, than that he was their superior, except they shewed where he was infeft, and wherein he was their superior; which was repelled against the interest, and sustained to be disputed after the production against the reason *in causa*, and needed not to be *instanter* shown.

Act. Aiton & Stuart

Alt. Hope & Nicolson.

Clerk, Hay.

Durie, p. 284.

No. 18.

1627. March 10.

DICK against SKELDON.

William Dick sought exhibition of one's writs from whom he had comprised certain lands, to the end that he might form himself a charter upon his comprising, which was refused him likewise.

Spettiswood, (EXHIBITION) p. 123.

* * * Durie reports this case:

In an action for exhibition and delivery of writs of comprised lands, at the instance of William Dick, against Skeldon, haver of the writs, the Lords found, that a compriser not infeft could not call for delivery of charters and sasines of lands, nor such real rights, himself not being really infeft, but that he might call for production of contracts and bonds, the same being comprised; and also found, that a compriser could not seek production of any writs of lands comprised, nor the same to be copied to him, except the party from whom he comprised had been called to that pursuit.

Act. Stuart.

Alt. Nicolson.

Clerk, Scot.

Durie, p. 289.

1628. February 15.

MR. JEDBURGH against EARL HUME.

No. 19.
Found that
a personal
bond to con-

In an action Mr. Jedburgh against Earl Hume, for proving the tenor of a charter of divers lands granted to umquhile Andrew, Abbot of Jedburgh, which um-