1628. *January* 17. The LAIRD of BONYTON *against* The LAIRD of BALCLUGH.

A WOMAN's liferent infeftment may be reduced, although her author's heir be not called.   *2d MS. Page* 201.

1628. *February* 20.   The LAIRD of BALVENY *against* INNES.

THE Laird of Balveny, having a nineteen years' tack of certain lands, wherein he was fifteen years in possession, by the said tack, set to him by the Earl of Murray; after so long possession, the Earl of Murray intromits with the duties of the lands himself, by the space of five years; and thereafter disponed the heritable right of the said lands to one called Innes, who, by virtue of his infeftment, becomes in possession, and bruiks the lands other five years. The Laird of Balveny pursues the tenants of the lands for their maills and duties, by virtue of his tack. Compears the said Innes, heretor, and alleges, That, *in hoc judicio possessorio*, he ought to be preferred, being infeft, and, by virtue thereof, in possession by the space of five years; likeas his author, the Earl of Murray, was other five years in possession immediately before; which ten years' possession ought to defend him and his tenants *in hoc judicio*. The Lords found the exception relevant.   *2d MS. Page* 188.

1628. *February* 28.   PATRICK LIVINGSTOUN of BAROWNIE *against* FULLERTON of that Ilk.

FULLERTON, of that ilk, being charged to enter heir, a year after his father's decease, at the instance of Patrick Livingstoun of Barownie;—it is excepted, That he is not lawfully charged to enter heir, because he was not born till after his father's decease, and so could not be charged before he was born. The Lords gave the defender as long space as might complete the year, after his birth and his father's decease.

2d MS. Page 1.

1628. *March* 4.   LAIRD of EDMISTOUN *against* EARL of HOME.

A DECLARATOR against the citation not received, after the failyies were given to the party to see.   *2d MS. (Title, Summons,) Page* 225.

1628. *March* 11.   DALMAHOY *against* HORSBURGH.

DALMAHOY, being infeft and in possession by the space of ten years, is prefer-