

SECT. V.

Method of obtaining Infestment by an Appriser.

1624. July 15. EDGAR *against* The LAIRD of CRAIGMILLAR.

No 25.

IN the action pursued by Thomas Edgar against the Laird of Craigmillar, it was found, because he was minor, and the lands held ward, that he could not infest the compriser, but that the diligence done against him should be as sufficient, as if he were infest.

Fol. Dic. v. 1. p. 471. Spottiswood, (SUPERIORS.) p. 323.

1626. December 22. GORDON Supplicant.

No 26.

A SUPPLICATION was given in at the instance of one Gordon, making mention that he was served and retoured heir to his umquhile father, who had comprised certain lands from another Gordon his debtor; and his father being deceased lately before that he obtained charges to the superior to enter him to the lands comprised; therefore he as heir to him craved the command to the superior to enter him upon that comprising in the lands comprised, as heir to his father. This supplication was refused, being sought after this manner so summarily; whereas if this had been sought by pursuit, in an action intended at the heir's instance to that effect, it would have been granted then.

Fol. Dic. v. 1. p. 471. Durie, p. 252.

1628. December 5. L. CORSBIE *against* L. KILSYTH.

No 27.

After an appriser obtained a warrant to charge the superior to infest him, the superior died. The Lords allowed summary charges to be directed against his apparent heir.

A SUPPLICATION given in by the L. of Corsbie was granted, craving charges against the L. of Kilsyth, as heir to his good-sir, and as he who was come in his good-sir's place in the superiority of certain lands, which Corsbie had comprised, holden of his good-sir, and which comprising was allowed in his good-sir's lifetime, and charges ordained to be directed against him before he died; and since he being deceased before the compriser was entered, this summary charge was ordained to be granted against his oye, without any other process, action, or trial, if he had succeeded to the right of the superiority; for if he were thereby prejudged in this charge, the LORDS thought that he might suspend.

Fol. Dic. v. 1. p. 471. Durie, p. 405.