

1629. *February 11.* FRASER of TECHMURE, Petitioner.

FRASER of Techmure's mother comprised certain lands pertaining to the Laird of Philorth, and, before the comprising is allowed by the Lords, she deceases. Techmure serves himself heir to his mother, and gives in a bill, desiring the Lords to allow the comprising, that he might get letters to charge the superior to receive him as heir to his mother. The Lords grant the desire of the bill, although some thought it was requisite he should have sought first a decret of transferring of the comprising, in his person, as heir, and, to that effect, to have summoned the Laird of Philorth.

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1629. *February 11.* LAIRD of LAMINGTOUN *against* CAPTAIN CRAWFORD.

AFTER a cause is reasoned in the Inner-house, if the party pursuer will not insist, a protestation should be granted to the defender, and the extract of the interlocutor.

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1629. *February 12.* FRASER *against* DOCTOR.

A DECRET of spuilvie of a horse, before the sheriff of Forres, not respected, because the probation is not found clear; but the party reponed to his defences.

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1629. *February 12.* LORD YESTER'S TENANT *against* LORD YESTER.

THE Lord Yester having obtained decret against one of his tenants, for payment of a greater duty nor the tenant was in use to pay for that roum before, upon a new condition made by the said tenant, to the said Lord, which being referred to the tenant's oath, he was holden *pro confesso*. This decret is sought to be reduced at the said tenant's instance, and he reponed to give his oath; because, it was alleged, That the Lord Yester's procurators had stolen through this decret against the tenant, having promised not to call the