

1630. *June 11.* RICHARD MAXWELL *against* WILLIAM FAIRLY, PATRICK FORRESTER, and OTHERS.

IN an exhibition of an assignation pursued by Richard Maxwell against William Fairly, Mr Patrick Forrester, and others ;—the Lords sustained the libel, bearing only that the said assignation (which was made by Euphame King to her son James Fairly,) pertained to him the time of his decease, without adding of these words,—“That it was in his possession as his own evident.” Which words, being added upon the margin of the summons, the Lords found he might pass from, and hold them *pro deletis*.

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1630. *June 18.* JAMES JOHNSTON and WALTER WHITFORD *against* The LAIRD of JOHNSTON.

IN an exhibition of certain evidents of lands, pursued by James Johnston, apparent heir to George and Mr Walter Whitford, against the Laird of Johnston ;—Alleged, No exhibition at James his instance, as apparent heir to his father ; because the defender was infeft in the same lands, whereof the evidents were sought to be exhibited, by disposition flowing from the said James. Replied, Mr Walter concurred in the pursuit, who had disposition of the said lands from James, whereupon he had served inhibition, and that before the said disposition made to the defender. Duplied, He had no interest, because he was not infeft. Triplied, He was seeking the evidents to the end he might be infeft. The Lords found the exception relevant.

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1630. *June 18.* JAMES PHILP *against* LORD LINDORES.

IN improbations, the Lords are in use sometimes to grant more terms for production, sometimes fewer. But, in an improbation and reduction, pursued by James Philp against the Lord Lindores ; after the first term and the second, of their own consent, they granted certification, and superseded the extracting thereof to such a day, between and which, what the defender should produce should be received.

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1630. *July 2.* SIR MUNGO MURRAY *against* The COMMISSARY of DUNKELD.

THE Lords are not in use to suffer more witnesses than twenty-four to be led in any cause ; yet there are many divers heads, contained in one libel, which perhaps hardly can be proven by so few a number ; as, to prove the duties of sun-