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of the pursuer, upon his base infeftment, for production of the public infeftment, and all rights of these lands, made to the defender, because they were libelled to be false.

Act. Craig &amp; Stewart.

Alt. Nicolson &amp; Nisbet.

Clerk, Gibbon.

Fol. Dic. v. I. p. 442. Durie, p. 493.

\*.\* Auchinleck reports the same case :

ANNA DOUGLAS, general heir served and retoured to umquhile William Douglas of Blackerston, who was donatar to the escheat and liferent of John Stewart of Coldingham, whereupon he had obtained a general declarator, and which umquhile William was infeft in the lordship of Coldingham, pursues the Laird of Swinton for improbation of old writs and evidents, made by her father, or any others, his predecessors, priors of Coldingham. To which (it was *alleged*,) that she, as heir, could not be pursued, by virtue of the gift of John Stewart's escheat and liferent, except the declarator obtained by her umquhile father was first transferred ; which allegiance the LORDS repelled, and found no necessity of transferring the general declarator. To which second part of the pursuit it was *alleged*, That she being only served general heir, and not being seased, could not pursue writs made by the Priors, but for improbation of these made by her father, to whom she was, and could succeed as heir, *jure sanguinis*, which they likewise repelled.

*Auchinleck, MS. p. 97.*

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GLENCAIRN against MUNRO.

In improbation pursued by Glencairn, action sustained against Munro upon a charter without sasine, and without confirmation, except an old transumpt in *anno* 1463, and the exceptions repelled *contra* the production, in respect we offer us to prove our rights good by that production. *Item*, In the same cause, an allegiance of not citation of my Lord Lovat, who was infeft holden of the King, repelled upon Glencairn's declaration, that it should not prejudge the Lord Lovat ; and, when the matter should be disputed, *quoad jus*, they offered to prove that he was denuded, and that the infeftment was taken in his behoof. *Item*, In this same case, sustained incident at the instance of Robert Munro of Foulis, albeit he was called for writs made to his predecessors, *idque ex causa*, because it was verified that he was denuded in favour of my Lord Lovat.

*Kerse, MS. p. 208.*