

REDEMPTION.

No 27.

who was notary to the parties sasine, containing the reversion; likeas there was an order of redemption used by the father, which albeit it was not so formal, in all circumstances, as it was prescribed by the reversion, yet the father thereby declared his mind, and the renunciation subsequent was either an approbation, or an acknowledgement thereof by the daughter; which all concurring, was found sufficient to sustain the renunciation, notwithstanding of the act of Parliament foresaid, against this party, who was heir to the mother, who had renounced.

Act. *Advocatus & Stuart.*Alt. *Nicolson, Mowat, & Russel.*Clerk, *Gibson.**Durie, p. 453.*1629. *December 17.*LORD CARNOUSSIES *against FRASER.*

No 28.

IN orders of redemption no necessity to warn the tutors and curators of the minor generally; and it is sufficient to warn one who is holden as tutor, and there is no necessity to prove him tutor.

Kerse, MS, fol. 85.

*** Auchinleck reports this case :

IN a declarator of redemption, he from whom the reversion is comprised, needs not to be summoned.

*Auchinleck, MS. p. 183.**** Durie's report of this case is No 12. p. 2181. *voce* CITATION.1630. *February 6.*MUIR *against* MUIR.

No 29.

WILLIAM MUIR having disposed to his two sons, George and Robert, two tenements redeemable upon payment of 10s. by himself, in his own time, to his said sons; thereafter, one of his sons being dead, he used an order; which the LORDS sustained as well against the heirs that was dead, as the other son alive, notwithstanding that the reversion bore, only redeemable from his sons, but not their heirs.

*Spottiswood, p. 265.**** Durie and Auchinleck's reports of this case are No 5. p. 3684. *voce* EXECUTION.