

1649. *July 11.* MARIONE TWEIDDIE *against* VEITCHES.

IN the removing pursued by Marione Tweiddie against Veitches, the Lords sustained the summons against the exception of parts and pertinents of Dawicke's barony; in respect that it was replied, That she offered her to prove that it was known to be the vicar's lands, wherein she and her father stood infest. Whereanent much debate had been before, and cost the father his life, they being expressly infest therein.

*Page 53.*

---

1649. *July 11.* GRAY *against* FISHER.

IN the action between Gray and Fisher, above mentioned, (*page 410,*) wherein Colmeslie has interest,—the Lords delayed their repossession till Michaelmas or Martinmas; but still find, that *actio ex lege commissoria* is not to be disputed before inferior judges.

*Page 53.*

---

1649. *July 12.* JANET and KATHERINE RAMSAY *against* ELISABETH WILKIE.

THERE being infestment of 80 merks, granted *in anno 1624*, by umquhile John Ramsay, trumpeter, out of four tenements in the Canongate, to umquhile Mr James Wilkie, in liferent, and Christian Wilkie, redeemable by payment of 1000 merks; sentence for pointing the ground was recovered *in anno 1630*; the which is suspended by the tenants, because they are tenants to Janet and Katharine Ramsays, daughters to the said John, who had right from umquhile Robert Ramsay, their uncle, who was infest in an annualrent of 160 merks *in anno 1623*: upon the byruns whereof, they having comprised the whole tenements, and the legall being expired, the said Elisabeth Wilkie her pointing the ground, upon a posterior infestment, must be excluded. Likeas, the said heritors compear with the tenants, and allege eighteen years possession, which is more nor enough *in judicio possessorio*. To the which it was answered by the charger, That the infestment given to Robert Ramsay a year before, and his translation to the granter's daughters, together with the comprising following thereupon, cannot be more respected than a base infestment given to a man and his children, which is null by the Act of Parliament. Likeas the charger offers him to prove, that the tenements are possessed by the mother by virtue of a liferent infestment, who consented to the infestment given to the charger. The which the Lords sustained.

*Page 54.*

---

1649. *July 12.* AYTOUNE of INCHDERNIE *against* DAVID AYTOUNE.

IN the action at the instance of Inchdernie, as assignee to the heirs of umquhile