

redemption, and had executed a summons of declarator, whereby *res fuit litigiosa*; and no right granted thereafter can prejudge the pursuer.

No 25.

THE LORDS found the reply relevant to elide the defence.

*Stair, v. 1. p. 388.*

\* \* \* Newbyth reports this case :

THE Earl of Home pursues ——— Bruntfield of Nethermain, for payment of the superplus of the mails and duties of four husband lands, of Hassington muir, then satisfies the annualrent of 1400 merks, for which the lands were wadset produces two reversions, one granted in December 1555, and the other in July 1588, by the said James to the said Alexander Lord Home; as also pursues Alexander Home, son to umquhile Abraham Home of Bonnetsidehead, for payment of the superplus of the mails and duties of five husband lands in Home muir, than will satisfy him the annualrent of L. 5500 for which the same was wadset, conform to a bond of reversion granted by the said umquhile Abraham Home to the Earl.

In August 1640, it was *alleged*, No respect can be had to Bruntfield's reversions, because prescribed; *2do*, They are null, not being registered conform to the act of Parliament, Q. Mary, P. vi. c. 29., appointing writs containing reversions, to make no faith, unless they be registered in some ordinary register. And for Abraham Home, it was *alleged*, No respect can be had thereto, because Alexander Home is a singular successor, and the back-bond not being registered in the register of reversions, cannot operate against him. THE LORDS repelled the whole three allegiances proponed for the defender, and found, there was no necessity of registration of reversions before the act of Parliament 1617, and that the 13 years' prescription cannot run against a minor, and that there was no necessity of registrating the back-bond; and that the Earl of Home having made an order of redemption *in anno* , cannot be prejudged by any disposition made by the father to the son, being *inter conjuntas personas* after the date of the order and declarator following thereupon.

*Newbyth, MS. p. 69.*

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1666. July 31. EARL SOUTHESK against MARQUIS of HUNTLY.

No 26.

A BACKBOND by an appriser, renouncing all benefit of his apprising, and discharging the same, in so far as prejudicial to another party's right, was found effectual against a singular successor, though never registered.

*Fol. Dic. v. 2. p. 330. Stair.*

\* \* \* This case is No 36. p. 10203., *voce* PERSONAL and REAL.