

SECT. III.

Retour.

No. 16.

1611. *January 17.* ANDERSON *against* ———

A RETOUR of a man as general heir to his father, served in the town of Glasgow, and retoured to the King's Chancery, sustained to be a title of his pursuit, albeit the town was affirmed to hold of the bishop, and to be of his regality, and to pay their mails to him, albeit they be a burgh royal; because the bishop opposed not.

Fol. Dic. v. 2. p. 371. Haddington MS. No. 2094.

No. 17.

1631. *December 8.* CLIESH *against* SANDERS.

A SERVICE before the bailie of the regality of Dunfermline, who has his own chapel, was sustained, without retouring to the Chancery.

Fol. Dic. v. 2. p. 371. Durie.

* * This case is No. 33. p. 13459. *voce* REDEMPTION.

No. 18.

When the Regalities had chapel and chancellory, general services needed not be retoured to the King's Chancellory.

1667. *January 19.* REID *against* ———

IN a process betwixt Reid and ——— whereof the title was a service of the pursuer as heir, deduced before the bailie of regality of Spenzie, it was alleged by the defender, That this title was not sufficient, seeing the service was not retoured. It was answered, That the service being within the regality, and of a person dwelling there, neither needed, nor used to be retoured, in respect the service itself was in record in the bailie's books. It was answered, That albeit a special service of lands within the regality needed not be retoured in the King's Chancellory, because there was no precept thence to issue, but the service within the regality was sufficient, that thereupon the precepts of the Lord of the regality might proceed against the superior within the regality, who was infeft; but, in a general service, which may be before any judge, whether the heir reside in his jurisdiction or not, there is no difference betwixt a regality and any other court, but all must be retoured in the chancellory. It was answered, That the regality having their own chapel and chancellory, were not obliged to retour it in the King's Chancellory.

Which the Lords found relevant, and sustained the service.

Stair, v. 1. p. 428.