

No 297.

*** Gosford reports this case :

IN a reduction pursued at the instance of Janet Buchan and her daughters, as heirs of the second marriage, procreated betwixt her and George Tait of Pirn, against the children of George Tait younger, eldest son of the first marriage, for reducing his infeftment made to him by his father *in anno* 1623, upon this ground, that it was a latent clandestine deed, and being only a sasine *propriis manibus*, without any charter or precept, and notwithstanding whereof the disponee had remained still in possession till the year 1640, at which time, by contract of marriage with the said Janet, he did provide her in liferent to a part of these lands disponed to his eldest son, and her children in fee, which they contended ought to be valid, it being in the power of the father to revoke the foresaid right given to his son, who was *in familia* ;—the LORDS, notwithstanding, did sustain the eldest son's right, and the sasine given *propriis manibus*, seeing it was registrated, within sixty days, in the public register, and that the father at that time had given a bond to warrant the infeftment, and to grant charters and precepts, which they found a sufficient adminicle, albeit it was but a personal right; specially seeing the Town of Peebles, who was superior of that part of the lands disponed to the pursuers, had confirmed the same.

Gosford, MS. No 112. p. 41.

No 398.

1672. January 17. YOUNG against THOMSON.

A SASINE bearing to be given by the superior *propriis manibus*, was sustained, the procuratory of resignation produced being found a sufficient adminicle to support the notary's assertion.

Fol Dic. v. 2. p. 244.

*** This case is No 381. p. 11207., *voce* PRESCRIPTION.

No 399.

1672. June 21 MITCHEL against COWIE.

A sasine granted by Bailies to a singular successor, bearing to be upon resignation, was found not to defend against reduction, without producing the disposition.

MARGARET LIDDEL having been married upon Mr William Johnstoun, and being heretrix of certain tenements in Aberdeen, in June 1628; there is a sasine given by the Bailies of Aberdeen, in favours of her two sisters, upon her resignations; and *in anno* 1633, another sasine upon the resignation of these sisters, in favours of the said Mr William Johnstoun and Margaret Liddel in conjunct fee, and the heirs between them, which failing, his heirs; William Mitchel, as heir to the said Margaret Liddel, having pursued reduction and improbation against Cowie and others, who now have right to the tenements, and having obtained certification against all original rights granted by the said