

March 29, 1682,) reported by Boyne. The Lords sustain Hogg's interest to reduce the decret of declarator of redemption obtained against himself, though his title to the lands was as heir to his good-sire, and it was instructed that his father stood infeft, whom he should not have passed over; seeing the decret now quarrelled was obtained against himself. *Vol. I. Page 231.*

1685. *January 14.*—James Hogg of Bleiridryn's reduction against Sir Peter Fraser, mentioned 30th March 1683, was reported by Boyne; and his general service as heir to his father was found a sufficient title whereon he may pursue this reduction.

Yea, this Session, in a case between Falconer of Kincorth and Kinneir, the Lords found a general service was sufficient to pursue an improbation of the rights of lands; though formerly, in the Earl of Hume's improbation against his vassals, the Earl being debarred with horning, they refused to sustain process at Mr Charles Hume, his brother's instance, as assignee, till he were infeft; which decisions are not easily reconciled.

*Vol. I. Page 331.*

See several prior parts of the report of this case in the Dictionary, pages 13,475 and 10,784; and the posterior part of the report in page 15,174.

1685. *January 17.* DANIEL LOCKHART *against* CROMWELL LOCKHART of LEE.

DANIEL Lockhart, as assignee by Lockhart of Heids, charging Cromwell Lockhart of Lee, on a minute of sale, for the price of lands; and the reasons of suspension being ordained to be discussed on the bill:—ALLEGED for Lee,—That he was nominated by the Privy-Council to go to Clidesdale, and administrate the oath of abjuration of the Whigs' declaration to the people there; so his absence being necessary, and *reipublicæ causâ*, no process could be sustained against him, but all behoved to sist during that interval.

ANSWERED,—This was but *causa absentiæ affectata*, sought by himself, and he was but one of more commissioners: and it did not begin for a week; so *medio tempore* this affair might be discussed. Pitmedden demurring how far he might sustain process, and having reported it, the Lords, on the considerations fore-said, repelled the dilator. *Vol. I. Page 332.*

1685. *January 27.* ALEXANDER BOTHWELL *against* ALEXANDER HAY.

ALEXANDER Bothwell having charged Alexander Hay, wright, on his bond for £17 sterling, as the price of some plenishing he was obliged to have delivered to him betwixt and the 1st of January 1685, in respect of his failyie to do it:—the reason of suspension was, that he had offered the goods within the days of the charge of horning; and that the delivery of the goods was that which was *principaliter deductum in obligationem*, and the payment of the price