

be that he behoved to use incident diligence to recover the same, not being in his own hand; and the defender could not misken this interdiction, seeing in the alienation controverted, he contracted with the pursuer, as with a person interdicted, and mentioned therein the consent of the persons interdictors, to whom he was so interdicted;—the LORDS found, that in actions of reduction, which were founded upon a reason of interdiction, or upon a reason of inhibition, that the interdictions and inhibitions should be produced *in ingressu litis*, and that no process should be granted in the cause, for discussing of the reason, (after the production were satisfied,) before the same were produced and shown to the party; and therefore ordained the pursuer to produce this interdiction, before any further process were granted in this cause.

No 21.

Act. *Stuart & Johnston.*Alt. *Advocatus, Nicolson & Mowat.*Clerk, *Scot.**Fol. Dic. v. 2. p. 302. Durie, p. 808.*

 S E C T. IV.
Making up Titles *ex post facto*.

1583. —.

A. against B.

In a removing from certain kirk-lands, *alleged* by the defender, No process upon the sasine produced, because it was of kirk-lands not confirmed the time of the warning. *Replied*, It was confirmed thereafter, and before the intenting of the summons, et sic fuit jus superveniens, quod facit valere quod prius non valuit;—which reply was found relevant by the Lords.

No 22.

*Fol. Dic. v. 2. p. 305. Spottiswood, (CONFIRMATIONS, &c.) p. 57.*1584. *February.*

LADY ROSS against TENANTS.

THE Lady Ross warned certain tenants to flit and remove from her terce lands, she being served and kened to the same after the death of her husband. It was *alleged*, She was served and kened before the term of Whitsunday, which was sufficient and her service *retrahabatur*; and so found by the LORDS.

No 23.

Fol. Dic. v. 2. p. 305. Colvil, MS. p. 397.