

I M P R O B A T I O N.

SECT. I.

To Whom this action competent.

1605. March 6. WARDLAW against LAIRD of CURRIEHILL.

AGNES WARDLAW, dochter and appeirand aire to umquhile Wardlaw of Waireistoun, persuit the Laird of Curriehill for improbation of his allegit richtis and infestmentis of the lands of Waireistoun made to him by umquhile Richard Wardlaw of Waireistoun hir father. It was *allegit*, That the persewar could have na actioun, as appeirand aire, to impreive his evidents, because sche not beand aire, sche had na richt to the lands, and consequentlie had na entres to impreive, and her persute could not put the defender *in tuto*, for albeit he obteanit absolvitour against her, it would not stay ane uther being enterit aire to impreive of new. It was *answerit*, That the appeirand aire had gude entres to informe the advocat, becaus sche beand appearand aire of waird-lands, wha could not enter thairto while sche was of sufficient aige, that would not impeid her to impreive any evidentis of the lands whair of sche was appeirand aire, the delay of the whilk improbatioune till that age nicht mak the means of the trew tryall to failzie be deceis of the witnesses insert, &c. Lykewyse ane liferenter nicht impreive whilk wald not mak *rem judicatam* against the fear. In respect whair of the LORDS repellit the allegiance, and fand action at the instance of the appeirand aire, with concurrence of the advocat.

No 1.
An apparent
heir, with
consent of the
King's Advo-
cate, may
pursue im-
probation.

Haddington, MS. No 752.