SECT. XI.

Mandate, Order, Allowance, Tolerance, &c.

1616. *December* 11. A. *against* B.

No 200.

FOUND that a command to do service, after a warning, could not be proved by witnesses, but by writ or oath of party.

Kerse, MS. fol. 260.

1628. *July* 8. DUNBAR *against* LESLIE.

No 201.

THIS defence against an heir's intromission, viz. That the father's relict had a liferent tack of the lands, and by her tolerance he intromitted, was found relevant; and the LORDS declared, That the tack being proved by writ, the tolerance might be proved by witnesses against this party.

Fol. Dic. v. 2. *p.* 229. *Durie.*

*** This case is No 15. p. 5392. *voce* HEIRSHIP MOVEABLES.

1628. *November* 26. BRUCE *against* BRUCE.

No 202.

THAT the pursuer of an ejection voluntarily removed and transported all the goods to another place, although there preceded no warning, was found relevant to be proved *prout de jure.*

Fol. Dic. v. 2. *p.* 229. *Durie.*

*** This case is No 7. p. 3610. *voce* EJECTION.

1634. *February* 13. A. *against* B.

No 203.
A command to tenants to pay their rents to certain persons found provable only by writ, or oath of party.

IN a pursuit of removing from a piece of land, claimed by the pursuer, as part and pertinent of the land wherein he was infeft; wherein the defender *alleging*, That it was pertinent of those lands wherein he was infeft, within such particular bounds, specially designed in his infeftment, within the which bounds and marches the land controverted lay, and was ever so bruiked by him; and the pursuer *replying*, That this piece of land lay within his land, wherein he was infeft, and was severally and distinctly known from the excipient's lands; like-