

No 9. were called for to be reduced and improved, except it had been libelled and instructed.

*Kerse, MS. fol. 206.*

1620. *January 16.* MONYMUSK *against* PITFODDELS.

No 10.

DECRET of improbation reduced, given against the principal party compearing, at the instance of a party having interest, and knowing thereof; being proven by a decret given at the instance of — Forbes of Monymusk, subvassal to Thomas Menzies *contra* Gilbert Menzies of Pitfoddels, obtainer of the improbation.

*Kerse, MS. fol. 206.*

1620. *December 7.* LA. HUNTLY *against* LO. FORBES.

No 11.

IN improbations, found that a precept of sasine granted by a predecessor, not being of *clare constat*, did not stay certification, because the precept bore in feu-farm, and bore not the duty.

*Kerse, MS. fol. 207.*

1621. *January 31.* Mr JAMES BAILLIE *against* SILVERTONHILL.

No 12.

THE LORDS found no process in improbations, except the advocate be pursuer, albeit the decret obtained at the advocate's instance was craved to be reduced, and that the advocate was defender.

Found by the LORDS, that a decret of improbation, given against a minor of six years not compearing, was reduceable, and that he could not be heard to produce.

In the same cause found, that he should be heard to improve the executions of the summons, albeit the process bore that he compeared and proponed an exception dilator, and thereafter passed from his compearance.

*Kerse, MS. fol. 207.*