

## SEQUESTRATION.

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1624. *March 30.*LAW *against* LUNDIE.

IN a quadruple poinding, James Weemys craved to be answered of the farms of the crop 1623, arrested by him as assignee to a bond of 1000 merks, granted by umquhile Richard Lundie of Spittle, whereupon he has gotten decret of payment-making against Robert and his tutor. Alleged the bond of 1000 merks was paid his cedent, and so other farms are his, as apparent heir to his father, heritor of the lands. Admits Robert his allegiance to his probation, and yet ordains Weemys to be answered and obeyed of the farms, as parties found to have best right, in case Robert fail in probation; and this because the farm would remain unprofitable in the tenant's hands, or he might become *non solvendo*. And in respect also Weemys then instantly found caution to make the same forthcoming to Robert, if he prove his allegiance, arrested farms may be ordained to be given up during the dependence of probation of allegiances.

Clerk, *Durie*.

*Fol. Dic. v. 2. p. 366. Nicolson, MS. No. 517. p. 355.*

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1634. *July 17.*JOHNSTON *against* EARL OF QUEENSBERRY.

IN a competition for mails and duties between a disponee from an apparent heir, and a disponee from the apparent heir's predecessor, who had been last infeft, upon which disposition base infeftment, confirmation by the superior, and possession had followed; the lands, in so far as they were possessed by tenants, were summarily sequestrated at the desire of the apparent heir's disponee from the bar, without the form of a petition, or mention of sequestration in the libel, but refused as to such of the lands as were in the natural possession of the other disponee.

*Fol. Dic. v. 2. p. 364. Durie.*

\* \* \* This case is No. 14. p. 3020. *voce* CONFIRMATION.

No. 1.

Sequestration  
in the hands  
of one of the  
competitors.

No. 2.