

1627. *December 11.* FALCONER *against* BEATTIE in Montrose.

It being objected against a Dutch assignation, that it wanted witnesses, and did not design the writer thereof;—Replied, That it was made after the form of that country. Duplied, It being given by one Scotsman to another, and the same being payable in Scotland, it should have been made conform to our laws. The Lords sustained the assignation, the assignee either proving the custom of the country, or else finding caution to warrant it at all hands, at his option.

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1627. *December 22.* DR ROSS *against* The HEIRS of WILLIAM CAMPBEL of GREENOCKMAINS.

DR ROSS, as heir served to his brother Thomas, having obtained decret of registration, against the three heirs-female of William Campbel of Greenockmains, as being lawfully charged to enter heir to their father, of a contract between the said Thomas Ross, on the one part, and George Campbel as principal, and William their father as cautioner for George;—upon this decret the pursuer having charged them to fulfil the said contract, they suspended upon this reason, that the decret of registration was gotten against them for null defence, and only upon a charge to enter heir, and they were content, *re integra*, to renounce; likeas they had intented reduction upon the same reason. The Lords found the reason relevant, and took it in by way of suspension, notwithstanding of the opponing of the decret given against them, being majors.

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1628. *January 11.* The EARL of MARR *against* HIS VASSALS.

IN the improbation pursued by the Earl of Marr against his Vassals,—Alleged by the defenders, That my Lord Erskine had no interest to pursue them, or to seek production of their writs, because he was not infest in the Earldom of Marr, but only was made assignee by his father to that action, and all benefit did redound thereby. The Lords sustained the pursuit, in respect of his father's infestment, who was his cedent.

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1628. *January 24.* ROBERT IDINGTON *against* The TENANTS of CLATTIE.

ROBERT Idington pursued the tenants of Clattie for their mails and duties of the crop, 1627. Excepted, That the summons was raised in December 1627; and so before the mails were due to be paid, *viz.* Yule and Candlemas. The Lords sustained the summons notwithstanding; for he was not to seek payment before the usual time, though it was thought contrary to form.

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