

1629. *January 13.* MARGARETT GEDESS *against* SIR JOHN PRESTON.

A SUMMONS was raised at the executor's instance, against a party, for a debt which was eiked to the confirmed testament after the date of the summons, which was preposterous doing; yet, notwithstanding, the Lords would not cast the summons, but gave the defender as long a day to answer as, in that time, the summons might have been executed anew.

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1629. *January 14.* JOHN GIBSON *against* JOHN RUSSELL.

THE buying of victual, or any other goods or gear, where the prices are condescended upon, and arrles received, and the day of delivery appointed; may not be resiled from.

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1629. *January 17.* RACHELL STEWART *against* ROBERT STEWART.

RACHELL Stewart, one of the two daughters and apparent heirs of Lodovick Stewart, upon a bond made to her by her umquhile father, charges her sister to enter heir; and, upon her sister's renunciation, obtains decreet, *cognitionis causa, contra hæreditatem jacentem*, and intents action of adjudication: Sicklike, Robert Stewart, brother to the defunct, for sums of money addebted to him, charges both the daughters to enter heirs. They both renounce;—he pursues for adjudication. In the which action, compares the said Rachell; and alleges, That she having intented the first process of adjudication, upon her sister's renunciation, ought to be preferred. To the which it was replied, That her process was null, in so far there being two daughters, apparent heirs, they ought both to have been charged to enter heirs, and both to have renounced, before an adjudication could have been granted. But so it is, that she had only charged her sister, one of the heirs; *ergo, &c.* To the which it was duplied, That she could not charge herself, and that she was content to restrict her summons of adjudication to that half of her father's heritage which might fall to her sister, whom she had charged, and who had renounced. Which duply the Lords found relevant.

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1629. *January 20.* ROBERTSON *against* FISHE; or RAWSON *against* FUTHIE.

A BOND wanting witnesses, alleged to be null, is supplied, by referring the