

1629. July 16. LADY COLDINGKNOWS *against* Her TENANTS.

AN action of ejection cannot stay a decret of removing ; the pursuer of the removing declaring that his decret of removing shall not be objected against the pursuit of ejection.

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1629. July 16. DEANS *against* SCOTT.

A SEASINE given by a bailie of a burgh of barony, upon a retour of the Chancelary, without a precept directed upon the retour, was sustained, in respect of the ~~\_\_\_\_\_~~ of Drumlanreck his concurrence, who is superior to the said burgh of barony, and might have entered upon his own precept of *clare constat*.

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1629. July 17. The LAIRD of HARMISTOUNE *against* GEORGE BUTLER.

A REBEL may make assignation to a just creditor, *stante rebellione*, with consent of the donatar to his escheat, for payment of a just debt.

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1629. July 18. MOREIS *against* JOHNSTOUN.

A BOND alleged to be prescribed, because not pursued within forty years. It was replied, That, within the time of prescription, letters of horning were raised upon the said bond, and the party charged therewith ;—which the Lords sustained, as a deed that stays prescription, and more notorious nor taking of a document prescribed by the Act of Parliament James VI, Par. 5, cap. 22.

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1629. July 18. GALLOWAY *against* BOUSTOUN, Spouse to Bogmill.

A WIFE and her husband, being summoned in a removing ;—it was alleged for the wife, that her husband, being out of the country before he was summoned, ought to have been summoned on sixty days, and he was only cited upon fifteen days. It was replied, That this exception *alibi* cannot be received *hoc loco*, but must be used by a reduction. The Lords received the said exception *hoc loco*.

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