

1630. *July 7.* DICK *against* LANDES.

DEFORCEMENT can hardly be pursued before inferior judges; and, therefore, the Lords' use is ever to advocate such pursuits to themselves.

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1630. *July 17.* LORD PRESTONGRANGE, Petitioner.

COMMISSION was granted to my Lord Prestongrange to convene workmen and other judicious gentlemen to take cognition and trial what would serve for reparation of the house of Morpet, whereof the said Lord of Prestongrange had the wadset from the umquhile Earl of Loudoun; that the heirs of Lothian might be holden to refund the same, at the lawful redemption of the land.

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1630. *July 17.* The Young LAIRD of LIE *against* The Old LAIRD of HALKSHAW and his SON.

IN a summons against a minor, his tutors and curators ought either to be summoned *per expressum*; or generally, at the market cross. But, in an action of removing pursued by the young Laird of Lie against the old Laird of Halkshaw and his son, a minor,—it was alleged, No process against the minor, because his tutors and curators were not summoned. It was replied, That the father of the minor being called, and being lawful administrator to the minor, it was sufficient to authorise him, except the defender will allege that he had other tutors or curators chosen or given to him. The Lords ordained the pursuer to mend his summons, and to call the father as lawful administrator to his son.

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1630. *July 18.* JAMES BROWN *against* The SHERIFF of PEARTH.

JAMES Brown, in Kirktoon of Mailler, is decerned, by the Sheriff of Perth, in a blood-unlaw of £50, for wounding of Hugh Moncreiff. He suspends, alleging, That, before he was cited (at least before he was convicted) in the sheriff-court, he was unlawed for the said blood by his master, the Laird of Freeland, baron of the said lands of Kirktoon of Mailler. To the which it was answered for the Sheriff, That the baron had no power to sit upon this blood, being committed without the bounds of the barony, and against a person who was not tenant to the Laird of Freeland. The Lords found the letters orderly proceeded at the Sheriff his instance.

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