

13456

REDEMPTION.

No 30.

the money was alleged to have been consigned, being but the assertion of a notary.

Auchinleck, MS. p. 180.

*** Durie's report of this part of the case is No 49. p. 10117. *voce* PERICULUM.

1630. July 9.

FISHER *against* BROWN.

THERE is no necessity to make premonition to any, but to the heritable possessor, without regard to what hands the land anailzied has gone.

Fol. Dic. v. 2. p. 324. Spottiswood. Durie.

*** This case is No 56. p. 2204. *voce* CITATION.

1630. December 30.

HUNTER *against* HARDIE.

No 31.
In a declarator of redemption of a wadset, no personal right will operate against a singular successor to the wadsetter.

ONE Hunter being infest in the lands of Hags by L. of Spottiswood, which L. of Spottiswood had long before given an heritable infestment of his quarter of the said lands to Hardie, and Hardie at the same time having granted back to Spottiswood a reversion, making mention, that whereas he had that same day received heritable infestment from him, of his four merk land of Hags, (for so designed the reversion the lands, albeit his infestment designed the alienation, to be of his quarter of the lands of Hags,) yet he granted the four merk land to be redeemable, by payment of a sum, and a 15 years tack of the land after the redemption; according to which reversion, Thomas Hunter using the order, and pursuing redemption, and consigning a tack of the four merk land of Hags; the defender *alleged*, That this redemption could not extend but to a four merk land, and could not be effectual to redeem the whole quarter land, as the pursuer craved in his order and summons of redemption, but only for a merk land; seeing he was infest in a whole quarter, which consisted of a seven merk land and a half, and the reversion, which he gave back, was but only of a four merk land. Notwithstanding of the allegiance, the LORDS found, that the reversion extended to all which was contained in the charter; for albeit the charter was of the whole quarter, and the reversion designed only for the four merk land, yet being done all at one time, in one day, and before the same witnesses; and the reversion making mention, that for somuch as he had obtained then instantly an heritable charter, and right of the four merk land, there being no other charter, nor right but the *alleged*, wherein it was called a quarter, the LORDS found, That the reversion extended to all which was disposed, and so to the whole quarter. And whereas the tack consigned by the pursuer bore, a tack of the four merk lands, according to the words of the reversion, the LORDS found