

1631. *November 26.* ROBERT CRAW *against* JOHN KERR.

ROBERT CRAW, son and heir to James CRAW,—which Robert, as heir to his father, stood infest in two tenements in Dumfermling,—pursues JOHN KERR, to hear and see the reversion of the said tenements to have expired, upon a clause irri- tant, contained in the contract of alienation and wadset of the said tenement. It was alleged for the defender, No process at the pursuer's instance upon this contract, until the same be transferred *active* in the pursuer's person. It was replied, That he stood infest in the lands, and had no sums to seek by that de- creet, nor no other conclusion but a declarator of the expiring of the reversion, to the which he needs no transferring. Which reply the Lords found rele- vant.

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1631. *December 15.* MICHAEL MAIR *against* ALEXANDER NISBETT'S CREDI- TORS.

WHERE donatars seek a general declarator of escheat, parties having interest may compear and object, against the general declarator, all that they can object against the special, where the donatar, or they to whose behoof the escheat is taken, are in the possession of the goods falling under escheat, because, having obtained a general declarator, they need not seek a special.—*Mr Michael Mair, donatar to the escheat of umquhile Alexander Nisbett, to the behoof of his Relict and Bairns, against The Creditors of the said umquhile Alexander Nisbett.*

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1631. *December 15.* WILSON *against* WATSON.

AGAINST a decreet suspended, the suspender may use a reason, referring the same to the charger's oath.

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1631. *December 15.* JOHN SINCLAIR *against* LIVINGSTONE.

JOHN Sinclair pursues transferring of a bond against Livingstone, son and heir to the deceased John Livingstone of Kinaird, and referred the summons to the defender's oath, and summons him to give his oath at a certain day; at the which day it was alleged, That the defender is a pupil, and cannot be holden to give his oath. The pursuer resiles from his oath, and offers to prove his sum- mons, *prout de jure*. It was alleged for the defender, That if the pursuer use