

## GROUNDS AND WARRANTS.

### SECT. I.

Whether necessary to produce Grounds and Warrants after a long interval of time.

1583. February.

GORDON against GLENKINDIE.

**T**HERE was ane Gordon that persewit the Laird of Glenkindie for the reduction of ane decret. There was ane part of the first reason of the summons that buir, that the persewar was never summoned to the giving of the said decret, and therefore desirit the summons and executions to be produced now *in secunda instantia*, and after the matter had lain over be the space of fourteen years. It was *answerit*, That the defender could not be halden to produce any summons or execution after so long space; but, that the decret that buir the compearance of the parties was sufficient; the whilk was fund relevant be the LORDS; and the partie, nor yet the clerks, will not be astrictit to produce after so long time any summons, or execution of summons.

*Fol. Dic. v. I. p. 353. Colville, MS. p. 388.*

No 1.

In a reduction of a decree, found that the defender was not obliged to produce the execution of a summons, at the distance of 14 years.

1631. July 19.

EARL KINGHORN against STRANG.

**F**OUND, That after a long interval of time, (in the present case it was fifty-seven years), a compriser could not be urged to produce the warrant of his comprising.

*Fol. Dic. v. I. p. 353. Durie.*

No 2.

\* \* See this case, No 7. p. 96.