

by right flowing from that person to whom the bond was made ; but reserved to him his ordinary action, which he as successor *in rem* might *de jure* have thereon, either by pursuit for implement, or otherwise. No. 13.

Clerk, *Scot.*

Durie, p. 584.

* * Auchinleck reports this case :

A bond that is conceived in favours of heirs cannot be registered at the instance of a singular successor, but he must pursue by way of action for fulfilling of that bond.

Auchinleck MS. p. 189.

* * Spottiswood also reports this case :

Marion Wallace having given a bond of warrandice to Patrick Hamilton, for warranting of a disposition of a tenement of land in Edinburgh, made by her father to Patrick ; afterwards, David Crichton, to whom Patrick disposed the same tenement, sought to have this bond registered against the said Marion, as he who had succeeded to the right of the tenement, with all writs and evidents that belonged thereto ; yet the Lords would not sustain the action at his instance as singular successor only, without he had been assigned particularly to that bond.

Spottiswood, p. 273.

1632. *January 21.* GRIERSON *against* GORDON.

No. 14.

A depository of a sum of redemption-money was summarily charged to exhibit the same. Found, That he not obeying, letters might be directed to denounce him, he not having suspended the first charge ; and this though the letters were only granted *incidenter* against him in an action of redemption wherein he was not called nor was a party.

Fol. Dic. v. 2. p. 403. Durie.

* * This case is No. 49. p. 10117. *voce* PERICULUM.

1635. *January 15.* SHANKS *against* EISTONS.

No. 15.

In a suspension of charges raised by one Eiston, upon a contract of marriage, betwixt the suspender, James Shanks, on the one part, and umquhile Marion Wilson, on the other part, by the which contract he was obliged to infest his spouse, in her life-rent, of all lands and money to be conquered by him, and to

Summary diligence at the instance of a third party in whose favour a stipulation is conceived. See No. 5.