reply the Lords found relevant, and sustained the pursuit against the third sister *in solidum*, who had gotten disposition, from her father, of the land; but prejudice to her to pursue her relief from her other two sisters *prout de jure*.

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1634. *March* 21. TRUMBLE *against* SCOTT of HARTWOODMYRES.

A DECREET-ARBITRAL, pronounced by arbiters chosen betwixt Trumble and Scott of Hartwoodmyres, is sought to be reduced by Trumble, as given *ultra vires compromissi;* in so far as the Judges had ordained Trumble to cause his son consent to the alienation of certain lands, his son not being a submitter, neither the father, in the submission, having taken burden for him. To the which it was answered, That the judges did no wrong; in respect, after the submission, it was made known to the Judges, that the father had infeft the son privately in the lands, the price whereof he had submitted. The Lords found, That the Judges' decreet was lawful, and might be supplied by their declaration, in respect of the fraud used by the submitter.

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1634. *March* 24. The LAIRD of BALVENY *against* GRANTS.

AN assignation, made by a rebel, is only extended to moveables, and no heritable right; and so should the Act of Parliament, Ja. VI, Par. 12, cap. 145, be understood.

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1634. *June* 28. ANDREW COWIE *against* ANDREW GIBSON.

ANDREW Cowie pursues reduction of a decreet of double poinding obtained, at the instance of Andrew Gibson, before the Lords, for making arrested goods forthcoming, for the sum of 300 merks addebted to the said Andrew Gibson. The reasons of reduction were: The decreet was given for not compearance; and, if he had compeared, he would have alleged he had an assignation, prior to the arrestment, duly intimated. To the which it was answered, That the summons of reduction is noways relevant, in respect of the Act Ja. VI, Par. 9, cap. 3, that a party lawfully summoned upon a double poinding shall not be heard in the second instance. It was replied, That the Act of Parliament was introduced in favour of tenants allenarly, and not in matters of this kind. Which reply the Lords found relevant, and sustained the summons of reduction to work against the obtainer of the decreet, but not against the party in whose hands the sums were arrested, if he had paid the same conform to the first decreet.

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