

No 133.

1662. *July 3.* RENTOUN of LAMBERTOUN *against* EARL of LEVIN.

LAMBERTOUN having intented an improbation of lands, *alleged*, Subscribed by his father in favour of the umquhile Countess of Levin, and her daughters, and others; and having proceeded to the indirect manner, articles of probation and improbation were given in writ *hinc inde*, and a full dispute thereupon, and all such witnesses examined as either party craved; the LORDS, having perused and read the whole process, did, upon the defender's desire, allow them to be heard *viva voce*; and both parties compearing, the pursuer referred the dispute to the Lords, without saying any further; and the defenders having related the case, and debated, in general, anent the taking away of writs, by presumptions and conjectures, and having entered to repeat all that was in the written dispute, and to answer every allegiance,

THE LORDS declared, That it was not their meaning that the dispute should be repeated, but the material and weighty points which the defender thought of most importance, to have been resumed, and urged shortly; referring to the rest the Lords.

Therefore, they ordained the defenders to order their allegiances, as they might, for all they had to say, betwixt ten and twelve the next day, without any further, unless the pursuer answered.

Stair, v. I. p. 120.

1663. *January 24.* BAIN *against* Laird of STREICHAN.

No 134.
After litiscon-
testation, al-
legiances in-
stantly veri-
fied are re-
ceivable.

THE Laird of Streichan being pursued by Bain, proponed a reason of compensation, and produced a writ for instructing thereof, being called at the advising of the cause,

THE LORDS suffered him to reform the allegiance, seeing he instructed it instantly by another writ than was formerly produced.

Stair, v. I. p. 162.

1664. *December 13.* Lord ROLLO *against* His CHAMBERLAIN.

No 135.
Found as
above.

THE Lord Rollo having pursued his chamberlain for intromissions, conform to a particular account libelled, the defender have compeared, offered to prove he was discharged; which was found relevant; and now producing the same, it proves but for a part; whereupon the pursuer craved sentence for the rest. It was *alleged* for the defender, That there was nothing produced to instruct the intromission. The pursuer *answered*, That the defender having made litiscon-