

1622. *December 19.* L. BLACKADDER *against* EARL OF MURRAY.

No. 3.  
No vassal can  
insist against  
his superior  
for produc-  
tion of the  
titles to the  
superiority, in  
order to have  
them tran-  
summed for the  
vassal's be-  
hoof.

In an action pursued by the L. Blackadder *contra* the Earl of Murray, for exhibition of writs, to be transumed, it was found, that no vassal, holding lands of any superior, might call or pursue, by any direct action, his superior, of whom he held the lands, for a transumpt of the writs made by that superior himself, albeit the lands had been disposed by that same superior to that same vassal who desired that transumpt; and so, albeit he had been his immediate author in the lands whereof the evidents were desired to be produced, and albeit the production was only craved of the evidents made to the immediate author himself, who had made the disposition to the vassal, and extended not to the production of any higher progress of writs made to that superior's predecessors, yet it was found, that the vassal ought not to have any such action sustained against his superior.

Act. *Nicolson & Belsher.*

Alt. *Hope.*

Clerk, *Gibson.*

*Durie, p. 40.*

1623. *February 15.* HOP-PRINGLE *against* HOME.

No. 5.

A transumpt of a sasine instructs the title of the pursuer of an action.—This in opposition to No. 125. p. 2244.

*Durie.*

\* \* \* This case is No. 127. p. 2245. *voce* CITATION.

1630. *December 21.* L. CROSBIE *against* L. POLWART.

No. 4.

In a transferring of an old instrument, which Crosbie desired to be copied, and doubled under the Clerk Register's hand-writing, and to make as great faith as the principal; and the defender alleging it to be null, because it bore "a disposition made only under the form of instrument," and was neither subscribed by the parties, nor by a notary for him, but only under form of instrument; notwithstanding whereof, the same was ordained to be doubled, seeing the doubling made it neither better nor worse, and no more was desired; and the Lords found, that the nullity could not be received to be discussed in this place, but reserved the same to be proponed and discussed when the said instrument, or the transumpt thereof, should be used in judgment against the defender in any action moved thereupon.

Act. *Craig.*

Alt. *Stuart.*

Clerk, *Gibson.*

*Durie, p. 550.*