

Some times a simple Reduction only is used, some times a Reduction and Imprisonment, and some times a Declarator is annexed to either. Because a persons right may be reduced by another having one. Thus formal or superior, or else own right may be liable to question at a third parties instance: so hence the said next right at all but a Declarator thereof is liable to be decimated in the same manner as the Deductions. Then all having Interest must be cited at the Masters Pleas. Law Lib. 4 Feb. 20 1821. but no law and right can be declared absolutely hence and unquarrelable, without first being a Clear quest from the King who is Supreme Superior, or a forty Year Act and an interrupted progress. For albeit the pursuer will may on left ground be declared propable to any rights produced by the Defendants: no less than a progress from the Sovereign, or one form with prescription, can found are straightly liable deced of Decimation.

By our former Custom, the pursuers of Reduction or a Reduction and Imprisonment, before to cite the Defendants (either or their heirs of line or male or apparent, or such Infeudment primarily contain clauses of discharge, and the Debtors are bound to defend rights granted by them. Law Lib. 17 Feb. but the pursuer was not obliged to be a heir of line or provision alone. In June 1672. Caddell vs. C. Gray contra. There lost of Lands. And if the Defendant hath not we are not liable to be in any manner, the pursuer was under no necessity to be contra Hamilton. It is thought because of the great and various delays occasioned by obliging pursuers to cite the Defendants, in process of Reduction or of Deduction and Imprisonment, the pursuers of such process are exempted from the trouble of citing the Debtors of the Defendants, leaving it to the Defendants to cite their Debtors, or to fulfilment to them their distress as they think fit. Dec. 16 Feb. 1723

§. 1. A simple Reductions.

A single Reduction contains an order to cite the pursuer of service in the writ to be reduced, to compare the Justice of the pursuer, as leaving rights and settling further specific the writs upon which he found his title. Dec. 31 Decem. 1725 §. 3. And to bring with them certain writs to be reduced for such and such reasons, with specification that if the writs called for be not produced, they shall be cited as null till they be produced. No person Registrar can file Reduction of Infeudment, unless he himself be Infeud upon his behalf.

the Decem. 1630 Ramsay of Cochrane contra. Con. Leath. Law Lib. 4 Feb. 20 §. 14. Conform to the Scots, Numm. quodque Dispoluerit. Eodem modo quo Coligatur. etc. because a personal creditor having priority to the subject whereof the conveyance is quarrelled, the conditional title of mine would be lost upon Robert's. If the right were, then it might be Dominium sine Domino, the property of the creditor would hang in suspense, or pass into not be better, or the superior would want a Vassal, and the land be either laid waste, or the title be supposed to pass in the tenants hands, for want of one to give it to them: being the Pursuer would have no title to possess, the person whose Right is denied is caused by the condition, and the common Debtor Swearer in his favour could not be born to possess. These fore personal bonds were found not to be a sufficient title to discharge to reduce upon the Act of Parliament 121 concerning Bandrupts a Disposition of lands granted by the Debtor, albeit no Infeudment had followed. Thereon 24 June 1709 Brown contra Brown, but a Charge against the Superior upon a typical declaration, with the title the Supp. to the real rights & c. the 24 January 1713. M'Gibson contra M'Gibson because as a Reduction upon a Charge to enter his Debt, no less especially among the Right of the creditor, than of the heir or debtor being Infeud had Disposed the facts: but to a Charge against the Superior in order to insert an adjudger or otherwise, with the same effect in order to alter in possession and to raise a Debt, Law Lib. 25 Feb. 2 §. 20. Jan. 1709. Infeudment in cases of such, quantum Veniat in Paper next: being the Judge, who shall change the Superior with done and endeavour to have his right made complete. There is the further Reason for but the Legally that the obliging Supp. goes to take Infeudment would add to the debt a Year's rent, and so not only the best more difficult for the Debtor to Redem, but also the Expense the Debtor to face left trouble and expense, before the show by Calling for production of other Rights granted by the Common Debtor, whether they will find their account in taking Infeudment. Again, a Charge against the Superior upon an Infeudment, cited for the behoof of an Apparent, their upon his own bond, and he not Infeud was but tainted as a good title to receive real rights. Cited with Infeudment 20 January 1665. Little contra. C. Withdale 25 January 1713. M'Gibson contra M'Gibson. Seeing the Apparent, their by the Infeudment on his own bond, subjects himself prone to the debts of the decedent as especially, as if he were found heirs and in some cases an active title by Infeudment, or a Charge