

to him who is retained. Vid. Sup. pag. 144. 707. Sir John Nichol  
 doubts and Just. Grl. Reduction and Improbation after Reduc-  
 tion & Grl. Refusal after Reduction thinks, that where a  
 reasonable right is retained after refusal, the Reducer may  
 be Justifd. et Novis. But for James Stuart (Ambassador to the Court  
 under the former said titles) is of opinion, that a Reduction and  
 Improbation is the Reducer, and makes his former Justifd.  
 Refusal so that he need not be the Justifd. Since the Disposal  
 and Refusal where by he was Disposed are extorted and Evaded.  
 It is other ways in a Declaration of Redempcion, where all  
 the Wadset be Extorted and loosed, yet the Reducer may  
 be Justifd. The Reason of the Difference is, because the Reducer  
 carries off the Right languam ab Inhibito, as if no such thing  
 had ever been; which a Declaration of Redempcion does not  
 nor the factum of the Redempcion and Refusal Reducer No  
 potest fieri Inhibito: Yet when Declared Null in Law, it  
 languam Inhibitorum; there seems no thing wanting,  
 some proper Record to Notify the Reduction.

2.  
 Reduction & Improbation.

A Reduction of Land Rights is seldom raised, without  
 Improbation joined with it.

A Remedy of Reduction and Improbation (which is  
 peculiar to Scotland) was invented since the Erection of the  
 College of Justice is Expedient upon a Bill, having the King  
 Special Commission: because Improbation of a writ or  
 Decree is Criminal, and the Decree of Improbation is sufficient  
 proof of forgery in the Court of Justiciary. Stat. lib. 9. tit. 28.  
 M. George from Grl. fallhood 87. But also the King's Advocat  
 may Justifd alone to prove a writ produced ad Vinculam  
 publicam; yet he cannot Justifd before the Court of Appo-  
 intion against a writ not produced 6 Feb. 1672 Murray contra  
 Murray of Broughton. Because that can have no effect  
 ad Vinculam Publicam; and if it were other ways ad Vinculam  
 =sted Advocat might open all the Charter Chests in the  
 =land and search the papers, those of which therefore our  
 =low hath never allowed. The Libel must set forth the  
 =ally the writs where upon the pursuer found his bill, led of  
 dat 31 Decemb. 1725. 83.

The pursuer may call not only for particular rights  
 in simple Reductions, but for all writs in General granted  
 by him or his predecessors or Ancestors; to the Defendant, or  
 his predecessors or Ancestors, or to his Ancestors predecessors

18 January 1637 E. Reme contra Lady Reme & others Slain  
 lib. 9 tit. 20 & 14. In an Improbation at the instance of an Affe-  
 retor producing his assignment of his land holden of the King  
 without any charge, Certification was granted against all writs  
 containing charge of such lands especially, & other Charters  
 or other writs; it being a sufficient satisfaction to the pursuer, which  
 writ that it contained an article prejudicial to the pursuer, which  
 he may therefore remove out of the way. But he will not permit to  
 have it left to call for production of or to have Certification  
 against writs importing charge of land from possession of  
 Miltunes by the Sheriff: the Charter or the King's Charter too  
 Breach that would tend to expose Miltunes & Charles too  
 Much 8 Decemb. 1675. Murray contra Murray. Murray  
 pursuing Reduction and Improbation against his Vassals  
 he in the same case with any other pursuer of such process.  
 Grl. Appeals are not allowed to the Sheriff to produce any  
 writs but such as flow from the jurisdiction of his office,  
 and or Ancestors to whom he comes as a process. 11 Novemb. 1718  
 Murray contra Murray. A charter granted by the King to the possessor of land  
 will not produce a writ against another's rights granted to the possessor by any of his ancestors.  
 If there be no appearance for the Defendant at the  
 King of the cause, the pursuer will get for the Granting Certification  
 against the writs of the Court: that is a Decree not only Reducing  
 and annulling them, but also detaching them from sale and force,  
 and that they shall make no faith in or out of Judges' sale.  
 With which Certification in a single Improbation in response,  
 is not much to be relied on. When both parties compare  
 the pursuer craves that the Defensor may take a bond pro  
 due the writs called for. Especially in Reduction and Improb-  
 =ation of land rights these terms were allowed for pursuer  
 =son 26 Novemb. 1667 Ray contra Drummond & Appons be  
 =caus the danger is great but was only two terms are allow-  
 =ed only to the Defensor for producing. As in the case of Murray  
 =panned before the Court of Session to stop Certification pas-  
 =sented, unless first lawfully verified, as being of the Nature  
 =of the Declaration, or Dilatory Defence, and that it was granted  
 =allis when so proposed, albeit with Declaration, that if such  
 =day it were not proved, Certification should be granted  
 =Simpliciter of Consent. But if it were proposed at a second  
 =tor's defence after production and Certification taken, it  
 =would be granted for proving thereof 6 Feb. 1672 Murray  
 =contra Murray of Broughton. Both of production may be  
 =Extracted for either of the two terms allowed against Bavers  
 =Grl. 20 840. Diligence are also granted against witnesses  
 =of the writs. Stat. lib. 9. And against witnesses. Stat.  
 =ally granted to prove the having Stat. lib. 9. The  
 =same