

No. 39. 1623. *January.* FOTHERINGHAM and SCRIMZEOUR *against* WATSON.

In an action pursued by ——— Fotheringham and ——— Scrimzeour of Kirktown her spouse, against one Watson, for payment of the sum of 200 merks, conform to his obligation, the Lords found the obligation null, because it was not subscribed by two notaries and four witnesses, conform to the act of Parliament, act 80. Parl. 6, James VI. *in anno* 1579; and found that any thing exceeding £100, of whatsoever quality the parties were, whether poor or rich, was to be reputed a matter of great importance, and came under the act of Parliament; and so this obligation, to produce no action, albeit it was subscribed by two notaries and three witnesses.

Durie, p. 43.

* * Haddington reports this case :

In an action betwixt Fotheringham, daughter to Mr. James Fotheringham, and Watson, Watt, and others, his cautioners, the Lords found a bond of 200 merks subscribed by two notaries and three witnesses null by way of exception, because the act of Parliament requires two notaries and four witnesses necessary in matters of importance; and so found 200 merks a matter of importance,

Haddington, v. 2. No. 2735.

No. 40. 1623. *November 13.* MARSHALL *against* MARSHALL.

An obligation for the precise sum of £100 Scots, was found to be a matter of great importance; and therefore null, being subscribed only by one notary before four witnesses.

Durie.

* * This case is No. 8. p. 6839. *voce* INDIVISIBLE.

1624. *January 23.* M'MORRAN *against* BLACK.

No. 41.
Notaries
must sign
unico contextu.
See No. 46.

Black being obliged to pay yearly a certain duty to M'Morran of Glaspen, conform to a tack passed by way of contract betwixt them thereanent, and the said Black, tacksman, being pursued for payment thereof; the Lords found the tack sufficient to bind the tacksman, albeit it was quarrelled by him as null, because it was a matter of great importance, which, although it was subscribed by two notaries for him, yet ought to be considered, as if it were subscribed only by