

his deposition, as truly it was, and therefore ordained the suspender yet to depone.

No 416.

*Fol. Dic. v. 1. p. 247. Stair, v. 2. p. 121.*

1674. February 3.

Ld STROWAN *against* CAMERON.

No 417.

AN act of a baron-court, bearing, That the party had enacted himself cautioner to present a defender in a process, was found not probative, not being subscribed by the party, though subscribed by the judge and clerk, and a decree founded upon the act was found null.

*Fol. Dic. v. 2. p. 249. Stair.*

\*.\* This case is No 253. p. 754I. *voce* JURISDICTION.

1678. February 15.

GGRDON OF GLENDINNING *against* MAXWELL.

No 418.

It being *objected* against an act of Court, bearing a wife's judicial ratification, that it was not subscribed by her the party; *answered*, By act 83d, Parliament 1481, the act of Court subscribed by the proper officer is a legal proof of the fact. *Answered*, The intention of that act is not to fix what shall be understood a legal proof of a wife's judicial ratification, but that a judicial ratification shall be effectual in law to bar any challenge upon the head of force or fear. THE LORDS sustained the objection, and found the act not probative.

*Fol. Dic. v. 2. p. 248. Fountainball. Stair.*

\*.\* This case is No 353. p. 6144. *voce* HUSBAND and WIFE.

1679. November 20.

MACKAY *against* MILNE in Aberdeen.

No 419.

THE LORDS reponed one against a decret fining, because it bore he confessed the fault, and there was no subscribed confession, and he now denied it.

*Fol. Dic. v. 2. p. 247. Fountainball, MS.*

1682. January 27.

PROVOST OF FORFAR *against* WILLIAM CUTHBERT.

No 420.

A DECREET being quarrelled because the probation was a judicial confession, as the decret asserted, and was not subscribed by the party, and so but the as-