

1677. *January.* ANENT EXPENSES IN A CALUMNIOUS PURSUIT.

WHERE a party defender gets an absolvitor, and raises a pursuit before the Lords, to get him condemned in expenses *tanquam temere et calumniose litigans*, it will not be sustained, unless the first decreet bear that the pursuit was calumnious: else he must lose that decreet, and of new debate the grounds of it, that he may make it appear to the judge, and persuade him that it was a calumnious pursuit. *Vide infra*, 11th July, 1677, No. 602.

*Advocates' MS. No. 528, § 4, folio 272.*

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1677. *January.* ANENT REGISTRATION OF CONTRACTS.

THOUGH some of the parties consenters in a contract be dead, yet if the principal parties, subscribers, be living, it may be registrate (notwithstanding the death of the others) as to their interest; yea, if a party contract *nomine alieno et procuratorio*, if he die, yet if the party live to whose use and behoof it was, he may registrate it, if his name be mentioned in it, and the other be called only his trustee. A clause in a contract in favours of a third party, though not subscribing, may be acclaimed by him, and execution sought thereon. See Durie, 1625.

*Advocates' MS. No. 528, § 5, folio 272.*

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1677. *January.* ANENT JUS RELICTÆ.

WHERE a husband dies before a term, such as Martinmas or Whitsunday, the relict ought not only to be entertained till the next term, but ought also then to have half a year's rent by advance for the subsequent term, to live upon; since she cannot feed on the air, or live perquire, her head bound to the heck, or take in trust; for it is a venture, and she may lose as much at her death, if she decease but one day before Whitsunday or Martinmas, and so the fiar will happen thereby to be a gainer.

*Advocates' MS. No. 528, § 6, folio 272.*

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1677. *January.* ANENT PUBLIC DEBTS.

THE act of Parliament suspending all execution upon public debts, declares none shall be reputed such debts unless they were registrate and recorded in Humble's book, as lent for the public use.

*Advocates' MS. No. 528, § 7, folio 272.*