

1676. December 14.

A. against B.

No 183.

THOUGH in improbations the user of writs, questioned as false, ought to compare to abide by the same; yet a commission was granted to take the defender's declaration that he did abide by, in respect he was a person of great age.

Fol. Dic. v. 1. p. 454. Dirlston, No 403. p. 198.

1678. November 14. ALEXANDER ARBUTHNOT against LADY KNOX.

No 184.

IN Alexander Arbuthnot's cause against Knox, improving of the bond produced by her, and granted to her by her husband, betwixt her contract and marriage, when she came to abide at the truth thereof, (for Laurieston her brother resided,) she offered to abide at it, qualified thus, that she had received it from her brother Laurieston, among whose papers it was laid up, she being only a girl 15 years old when it was done and granted. "THE LORDS ordained her to abide simply and absolutely at the truth thereof." This was no more than what they had done formerly in the case of Lady Logie, No 179. p. 6756. But where the user of a writ is an assignee or heir, the Lords sometimes permit them to abide at the verity thereof only *qualificate*.

Fol. Dic. v. 3. p. 313. Fountainball, v. 1. p. 20.

1679. January 3.

GRANT against GRANT.

No 185.

ONE offers to bide at a writ with this quality, that he found it among his father's papers, the LORDS *pro hac vice* allowed this by proving the said quality; in which, if he had failed, they would punish him as a forger, at least accessory. But in regard of the difficulty of the probation, they declared they would consider that at the advising. THE LORDS repelled these two reasons, that there were four witnesses inserted, and only three subscribing; *2do*, That the two notaries' subscriptions were with different inks, since each of them might use their own ink. THE LORDS ordained Mr Hay of Logie's relict to bide simply by a discharge, No 179. p. 6756.

Fol. Dic. v. 1. p. 455. Fountainball, MS.

1679. December 24.

COMBLINE against CORBIE.

No 186.
A party offered to abide by a writ.

MARION COMBLINE pursues reduction of an apprising led against her, and insists on this reason, that the executions of the denunciation and instrument of requisition are false, and offers to improve the same, and craves the defender