

beit the cause this half year was so concluded as it was lying ready to be advised, and the persons against whom she craved her diligence were examined already; for *nunquam concluditur in causa falsi*. Vide 14th July 1680, Robertson; and 21st July 1680, thir parties. *Vol. I. Page 102.*

1680. November 30.—In Arbuthnot of Knox his improbation and reduction against the Lady; the Lords, contrary to what they did formerly, (8th Jan. 1679,) now find her consent to the minute of his contract of marriage is a homologation of Arbuthnot's right from Colonel Hary Barclay, in so far as concerned the fee of the lands dispooned, but not *quoad* the liferent; as to which, they would not find she had prejudged herself.

The Lords declared this was not so much a decision *in jure*, as an advice and a trysting interlocutor; and they would appoint her liferent of the whole, in so far as exceeded her contract-matrimonial, should only commence at Whitsunday next; so that he should not be liable to her for bygones.

But neither being satisfied with this, see it fully decided at the 15th December. *Vol. I. Page 119.*

1680. December 15.—The improbation, Arbuthnot of Knox against the Lady, being finally advised this day, the Lords improved the bond *quoad omnes civiles effectus*, and ordained Mr Alexander Steven to be apprehended, (whom there is ground to suspect as the forger,) and other of his writs to be produced, that they may be compared with this bond.

The Lords went on the reasons of reduction, joined with the suspicions of falsehood; but, out of pity to the Lady, would not declare it false.

*Vol. I. Page 122.*

See partial reports of this case in Morison, p. 13,389, 13,390, 6,761, 6,527, and 16,681, by Fountainhall and Stair.

1680. December 16. BURNET of CRAIGMYLE *against* BURNET of CRAIGOUR.

In the action of maills and duties, Burnet of Craigmyle against Burnet of Craigour, an Act having been surreptitiously extracted without hearing all Craigour's defences; upon a bill given in by him craving the Act might be called back and cancelled, the Lords ordained Craigour to found what defences he had to propone farther than was already contained in the Act, that they might see if there was any just cause for rescinding the Act, and restoring against the same. *Vol. I. Page 122.*

1680. December 23. RENTON of LAMERTON *against* HOME of POLWART.

In Renton of Lamerton's case against Home of Polwart, a seasine being quarrelled as null, because, in the act of tradition, instead of saying, "by delivery of earth and stone," it says, "by delivery of the ground of the lands," which is earth, but not stone; and that this is *de forma specifica*, and essential:

The Lords found the seasine, being *in re antiqua*, viz. thirty years ago, valid; but, if the notary was alive, ordained him to be deprived for his informality.