

1744. *November 2.*OGILVIE *against* OGILVIE.

No. 4.

AFTER a decret-arbitral betwixt certain adjudgers and other creditors, reduction and improbation was raised against some of the adjudications that had been pronounced in the Sheriff-court of Perth, and whereof the warrants were amissing; and it was objected, that after a decret-arbitral, even improbation was not competent, except against the submission or decret, and that the exception of falsehood in the articles of regulations meant no other falsehood than these. But we all agreed, that unless falsehood had been specially submitted and determined, it was still competent; but then we found it not sufficient that these warrants were amissing and not produced, unless some direct evidence was offered of the falsehood, either that there were such warrants, or that they were falsified.

See NOTES.