

would not sustain libel bearing that there grew so many threaves, which extended to so much multure ; but ordained him to mend it thus :—That so many threaves grew upon the ground, extending to so many bolls, which bolls should pay so much multure.

*Page 206.*

---

1627. *March 20.*

VAUS *against* BROWN.

VAUS pursued Brown for spoliation of four horses. Answered, That he had lawfully poynded them upon a decret obtained upon a registrate bond of 500 merks against the pursuer. Replied, That he offered him to prove that the whole 500 merks was paid before, whereupon he would show writ for 420; and offered to prove payment of the 80 merks resting, by witnesses. Which was not sustained but by writ or oath of party, in respect of the decret preceding, and that it would infer a spulyie.

*Page 88.*

---

1627. *March 20.* The LAIRD of HALLERTON *against* His WIFE.

The Lords of Session may not suspend any decret given by the Lords of Privy Council, neither are judges competent thereto. But the Lords of Privy Council themselves are only judges to all controversies and debates arising upon any decret given by themselves, *Bal. 16. 12.* According hereto, *3d March, 1584,* The tutor of Cassils having obtained a suspension of a decret given against him by the Lords of Privy Council, they, notwithstanding thereof, ordained their decret to be put to further execution, and discharged the Lords of Session to proceed to the discussing of the said suspension ; which they did annul and discharge in all time thereafter.

This same question bred some jar between the Lords of Privy Council and the Lords of Session, about a suspension granted by the Lords of Session to the Laird of Halkerton, younger, of a decret-arbitral pronounced by the Lords of Privy Council, between him and his wife, which decret he had obtained suspended upon alleged informality, and that they had proceeded *ultra vires compromissi.* But the matter was taken away without noise, he passing from his first suspension, and getting another from the Lords of Privy Council.

*Page 182.*

---

1627. *March 24.* JAMES MONTEITH *against* The LAIRD of CARSE.

Mr James Monteith having got a bond of 20,000 merks of his brother, the Laird of Carse, charged him to enter heir to his father in such lands, that he might have execution upon his bond, by comprising the said lands, conform to the Act of Parliament 1621. The Laird offering to renounce, it was contro-