

equivalent to saying, that the writs called for are already in the hands of the Clerks of Court, which, of course, must satisfy the production. **No 118.**

*Fol. Dic. v. 1. p. 448. Stair.*

\*\*\* This case is No 26. p. 5194.

1666. November 16.

BLACKWOOD *against* PURVES.

**No 119.**

CERTIFICATION was refused, for not production of a principal bond, an extract having been produced; because it was registered in the registers of Session, and the principal was lost by the disorder of the times.

*Fol. Dic. v. 1. p. 448. Dirleton. Stair.*

\*\*\* This case is No 5. p. 5167.

1668. December 17.

MR JOHN BAINE *against* BALFOUR.

**No 120.**

IN an improbation, pursued by Mr John Baine, writer, against Mr Robert Balfour of Denmiln, wherein certification was granted; it was *alleged*, That it could not be extracted, as to several lands condescended on, for any writs prior to those produced, because they had produced a full progress from the Abbots, or Lord of Lindores, before the pursuer's right. This allegiance was sustained, notwithstanding it was *answered*, That, if that progress were reduced, the pursuer would be forced to intent a new improbation, and so would be frustrated of the benefit of this action, which was intended to secure them from all further trouble. *2do*, It was *alleged*, That the certification could be extracted, as to such writs whereof they had produced extracts out of the register, either under the Clerk's hands of the Session, or the Clerk's of Stewartry of Falkland, or Sheriffdom of Fife, because of the confusion of the late troubles. This was repelled, as to such writs as were registered in private Court-books, but not as to those registered in the books of Session, for which they recommended to the Clerk Register to try, if the registers of those years, of which the extracts were produced, were lost with their warrants.

Extracts out of the registers of inferior courts cannot hinder certification in improbations.

*Fol. Dic. v. 1. p. 448. Gosford, MS. No 63. p. 24.*

1671. June 15.

DOCTOR HAY *against* MARJORY JAMESON.

IN an improbation of two bonds, pursued at the Doctor's instance against the relict and heir of Mr John Alexander, for stopping certification, there

**No 121.**  
Found in conformity with the above.