

1671. *June 30.* JOHN SYM *against* HELEN HAMILTON and CLEILLAND.

IN John Sym's business against Helen Hamilton and Clelland, the Lords refused to repon them against a decret, though given in absence, unless they could sufficiently purge their contumacy, albeit they offered to pay large expenses to the charger, and all his other damage; and that because there was no reduction. It was only in a matter of 50 merks. The Lords used not to be so nice in reponing against such decreets, especially all charges being refunded.

*Advocates' MS. No. 194, folio 101.*

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1671. *July 1.* LORD LAUDERDALE and the KING'S ADVOCATE, *against* JAMES TENNENT and WILLIAM BROWN.

THERE is an improbation intented at the instance of my Lord Lauderdale as secretary and the King's advocate, against James Tennent and one William Brown, for improving the signet of a horning as false, counterfeit, and feigned, it not having been presented on the day it bears to have been signeted; neither is there any minute of it in their register; nor is it John Robisone's hand writing. William Brown is made assignee to the charge, and he compears and abides at it in thir terms, not that he will assert the truth of its signeting, but only as to him, *et modum quo ad eum pervenit, viz.* that it was delivered to him so signeted; that it was written in Mr. Archibald Nisbet's chamber; that it was taken out there un-signeted by John Lockhart of Bar, (who seems to have been the counterfeiter of it,) and then delivered by him signeted, to one Crawford a messenger, who delivered it to this Brown assignee. This deposition was subscribed by him and my Lord Gosfuird.

*Advocates' MS. No. 195, folio 101.*

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This following decision was so found, contrary, to the express words of the act of Parliament; because, forsooth my Lord Advocate asserted the meaning of the Parliament to have been so at the time it was made.

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1671. *July 4.* LAIRD of BALFOUR *against* LORD AIRLIE.

THE Lords *in presentia* found, that the computation in comprisings *ad hunc effectum*, to know whether they be within year and day of the first effectual comprising, (which is the standard to all the lave,) must be reckoned from the date