

No 123. of any forgery of the said disposition, albeit the principal had miscarried, the same being registered in the year 1645, and the tenement possessed by the party ever since. It was *answered*, That certification ought to be granted notwithstanding, because no extract out of any inferior court could satisfy the production, and the clerk ought to have kept the same for his warrant; so that unless it were proved, that the principal papers were taken away during the troubles, an extract could never be sustained to satisfy an improbation; especially in this case, where the register did bear the same to be given up to the party.—THE LORDS did grant certification, specially seeing the giving up to the party was written upon the margin by another hand than what the register itself was written with, bearing the registration.

Gosford, MS. No 766. p. 476.

* * See Stair's report of this case, No 37. p. 1755.

No 124. 1678. July 10. BALLANDALLOCH *against* DALVEY.

THE LORDS, on a bill, find this defence relevant to stop certification in an improbation of a bond, that the defender produced an extract out of the books of session, registrate when the principals were given back; and that the principal was thereafter seen and made use of at sundry trials, and produced in a process in the Sheriff-court of Elgin, which they found relevant to be proved by the procurators and members of court who had seen it and read it.

Fol. Dic. v. 1. p. 449. Fountainball, MS.

No 125. 1679. February 13. GORDON of Park *against* ARTHUR FORBES.

THE LORDS found an extract satisfied in an improbation, where it was proved the registers of warrants of that year were lost; and this, albeit it was an interdiction, and its executions, whereof the parties got the principal back.

Fol. Dic. v. 1. p. 449. Fountainball, MS.

No 126. 1681. January 11. MONRO *against* GORDON.

In a reduction and improbation, it is sufficient to stop certification of the writs called for, to allege,

SIR GEORGE MONRO having right to an apprising of the Lord Rae's estate, pursues reduction against Gordon of Gordonstoun, and other apprisers, who took terms to produce; and, after the terms run, and certification granted, do now allege no certification against the principal bonds, whereupon the apprising proceeded, because they are registered in the books of Council and Ses-