

## SECT. XII.

## Penalty of falsifying Writs.

1597. February.

KEIR against PARDOWIE.

## No. 343.

In an impro-  
bation of a  
precept of  
sasine, it be-  
ing found  
rased, and  
falsified in  
the name of  
one room,  
was declared  
false as to  
that particu-  
lar, but sus-  
tained in other  
respects,  
because one  
of the parties  
whom it con-  
cerned, was  
not *particeps  
doli*.

The Laird of Keir pursued the Laird of Pardowie younger, William Hamilton, and certain others to hear and see ane precept of sasine of certain lands alleged given by the said Laird of Keir to the said young Laird of Pardowie improved; whereanent probation being deduced, it was found that the said precept was vitiated and falsified in the name of ane special room and steading of land. After advising of the cause, it being pronounced against the said William Hamilton, who produced and abode by the said precept that the same was false, and forged in that part concerning the said special room, (the precept being otherwise true and not quarrelled as falset in the hail, but of erasure and falsification of that point;) the Laird of Keir alleged that the precept behoved to be decerned false in the hail, because the defender had used the said precept in judgment, it being falsified as said is. The Lords found, that they would nowise decern the said precept to make no faith in the remanent heads against young Pardowie, because it was tried that the said precept was a true deed, and only falsified in that point, *sine facto aut culpa* of the young Laird of Pardowie, and therefore assoilzied him frae the hail rest, except the particular room erased.

Haddington MS. No. 620.

1636. February 10.

EDMISTON against SYM and SKEEN.

## No. 344.

A bond was  
antedated in  
order to save  
it from inhi-  
bition.  
Fonnd null  
in 1710.

One Edmiston, and Rutherford her daughter, pursuing reduction and impro- bation of a bond made by umquhile Alexander Sym, Rutherford's husband, to Mr. Alexander Skeen, of 3,000 merks, as done after the serving of inhibition, used by the said Alison Edmiston, mother-in-law to the said Alexander Sym, and by the said Anna Rutherford her daughter, spouse to the said Alexander Sym, raised upon their contract of marriage; wherein the said Mr. Alexander Skeen compearing, and alleging, that the wife, nor her mother, (for the husband was called as defender in this process, for his interest) had no interest to reduce, or improve this bond, upon this ground libelled, as that it is false in the date thereof, seeing it bears a date before the inhibition, albeit the pursuers offered them to improve the same *in data*, being as they alleged, done after the inhibition; for