

1611. *March 6.* ARNOT *against* COUNTESS of ORKNEY.

No. 201. Count of £900 furnished by Sir John Arnot to my Lady being subscribed by her without witnesses, and without my Lord her husband's consent, sustained against them both.

Haddington MS. No. 2180.

*** The like found 25th July, 1676, Campbell against Ld. Abden, No. 97. p. 5879. *voce* HUSBAND AND WIFE.

1623. *January 18.* BOG *against* HEPBURN.

No. 202.

In the action pursued by Bog against Sir Robert Hepburn for a legacy left to her by umquhile Dame ——— Preston his spouse, of the sum of 300 merks, they found that one notary is sufficient to a testament, albeit the inventory and legacies be so great as could not be sustained in one bond, being only subscribed by one notary.

Haddington MS. No. 2725.

1625. *June 30.* A. *against* B.

No. 203.

In an action of registration of a contract of marriage, pursued at the instance of ——— against ———, who was cautioner for one of the parties contractors, the Lords found the contract, so far as concerned the cautioner convened, nowise obligatory against him, because it was not subscribed by two notaries for him, but only by one notary, the same being a matter of importance; and therefore assoilzied the cautioner from registration, &c.

Act. Burnet.

Alt. Davidson.

Clerk, Scot.

Durie, p. 167.

1627. *February 14* PYRONON *against* RAMSAY'S EXECUTORS.

No. 204
A lettersentto
France com-
missioning
wines not sus-
tained to pro-
duce action,
unless proved
to be holo-
graph.—But
see No. 203.
infra.

In an action at the instance of one Pyronon a Frenchman, against the Executors of umquhile Patrick Ramsay, for payment of certain wines sent to the said umquhile Patrick by the pursuer, conform to a letter written and sent by the said Patrick to the said Frenchman, giving him commission to buy the said wines to his use, and to send them to him; the Lords found that the pursuer could not have action upon the said missive letter, containing the said commission, except that he proved that the whole body of the letter was holograph; and found it not suffi-