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any quality, at the truth of the bond or writ he made use of; but allowed to protest for what quality he pleased, and to prove it as accords; viz. that he was minor, or an infant when the said bond was granted by Mr James Robertson, brother to the said Isobel, to his father, and so he could not be accessory thereto. And the LORDS, at the advising of the cause, would consider of the quality and probation thereof." This decision, though strict, yet seems just, for affrighting of falsaties. This was rather betwixt Kindeis and Gray of Skibo.

1680. *July 14.*—IN Gray of Skibo's improbation against Colin Robertson of Kindeis, (12th December 1679) "the LORDS having advised the witnesses' depositions, who positively denied their subscriptions, found the bond false, and improved it; but in regard he had made use of it, and in his abiding at it, affirmed he was but a child of six years old when it was subscribed, and that he got it from his tutors or curators, (seeing it might be lately forged and only ante-dated) they ordained his tutors and curators to be cited and examined, for trying the quality adjected to his abiding at the bond, and to purge his innocence;" which, if it were not this way cleared, they would straight remit him to the criminal court as a falsary. Thereafter, upon a bill given in by Kindeis, shewing, though they had concluded their improbation, yet he had a diligence running for proving several pregnant articles of approbation of these bonds given in by him, and that the witnesses tergiversed to come; therefore craved a further diligence, "which the LORDS granted to the 1st of November; and, in the mean time, ordained such as were in town to be examined.

1680. *December 8.*—IN the improbation, Gray of Skibo against Colin Robertson, Colin for proving his articles of approbation, adducing Francis Robertson his own bastard brother; and it being objected against him that he could not be admitted because of his relation, and though it was illegitimate, yet it could give no privileges, bastardy being ignominious; and he could be in no better case than if he were his lawful brother; yet the LORDS, for expiscating the truth, admitted him *cum nota*, though otherwise inhabile.

*Fountainhall, v. 1. p. 69. 107. 121.*

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1683. *February 14.*

MURRAY against MURRAY.

THE LORDS refused to remit a man to the justice-court as art and part, who had been the user of a false writ, though in an improbation, he had subscribed to abide by it, not being accessory to the forgery.

*Fol. Dic. v. 1. p. 457. P. Falconer.*

\* \* \* This case is No 18. p. 4806.