1629. *December* 19. AGNES ELLIOT *against* ARCHIBALD MORTOUN.

AGNES Elliot pursues Archibald Mortoun for payment of £106, conform to his bond subscribed but by one notary. He suspends, That the bond is null, being of a sum above one hundred pounds Scots, subscribed but by one notary. The Lords found the letters orderly proceeded,—because the pursuer was a poor woman, and had her husband lying prisoner in Dunkirk,—that the same might be employed for payment of his ransom. *Page* 17.

1629. *December* 22. JAMES CUNNINGHAM *against* GEORGE BORTHWICK.

JAMES Cunningham, assignee constituted by David Clark, dagmaker, to an obligation of 300 merks, made by umquhile James Borthwick to the said David Clark; seeks transferring of the said bond against George Borthwick, son to the said umquhile James. It is alleged by the defender, No transferring; because upon this bond David Clark deduced comprising, which bond and comprising were reduced; so, till that decreet of reduction be first reduced, no transferring of the bond can be sustained. To the which it was replied, That the said decreet of reduction cannot be respected; because, in the said decreet, there is no reason of reduction libelled against the bond, but allenarly against the comprising; and, in the proposition of the summons of reduction, the bond is not called to be reduced, although, in the conclusion, the bond is, with the comprising following thereupon, called to be reduced. The Lords found such informality in the decreet, which was given for non-compearance, that they sustained the transferring, notwithstanding of the said decreet of reduction.
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1630. *January* 12. ELLIOT *against* MORTOUN.

ONE NOTARY sufficient to subscribe a writ of no greater importance nor £100. As also, if the bond bear a greater sum, being subscribed but by one notary, the same will be sustained, if the creditor restrict his charge to £100.—*Vide Elliot* against *Mortoun*, 19*th December* 1629, *supra*.
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1630. *January* 14. ——— *against* HAMILTON'S RELICT.

HAMILTON'S relict is pursued before the commissaries as executrix, at the least intromittrix with her husband's goods and gear, by ———, for a certain sum of money owing by her husband to the pursuer, for grassing of certain goods; and the claim being referred to her oath, she is holden *pro confessa*, being absent in the cause. She both suspends and intents reduction of this decreet, as given against her, not compearing, unjustly, without other probation nor her oath, which she alleges she cannot be holden to give *super facto alieno*, and if she would depone, yet her deposition would not furnish to her exoneration