

And the said Act of Parliament, as all Acts of Parliament, especially such as are correctory *juris communis*, ought to be taken strictly ; and cannot militate, but in the case therein intended and expressed. And the said Act is upon special considerations, in relation to the Lords of Session ; and particularly, of the eminent integrity that is presumed, and ought to be in the supreme judicatory.

The Lords, without entering upon the debate of the said other points, turned the decret in a libel.

Forret, *Reporter*. ———, *Clerk*.

Page 148.

1675. December 3. Colonel BARCLAY *against* ARBUTHNOT.

COLONEL Barclay, having produced, *in termino*, a relaxation unregistrate, for proving a defence, founded upon the relaxation :

It was ALLEGED, before the Lord of the Outer-House, that the term ought to be circumduced :

Whereunto it was ANSWERED, That it could not be circumduced, since he had produced the said paper ; and *avisandum* ought to be made, that the Lords might advise whether it proves or not.

The Lords found, That, in such cases, where possibly a blank paper, or a paper of another nature than that which was to be produced, is produced *in termino*, the judge may and ought to circumduce the term ; where it is evident, that such papers are produced, not to satisfy, but to delay and abuse the judge. But, in this case, seeing it was found that Colonel Barclay had produced sufficiently *ad victoriam causæ*, so that there may be some ground of doubt and debate ; the Lords found, That it was competent only the time of the advising.

Gosford, *Reporter*.

Page 151.

1675. December 7. SHERIFF of PERTH *against* ———.

IT was found, That the late proclamation, remitting fines due upon the contravening of penal statutes, ought to be extended to riots and fines, upon the committing of the same before the said proclamation ; the persons being thereafter convicted before the Sheriff.

Glendoich, *Reporter*.

Page 153.

1675. December 21. ——— *against* ———.

A FATHER, having made a disposition in favours of his son, reserving his own liferent, with power likewise to dispose of what he had provided, did appoint certain persons as curators, and to have administration of what he had