of Henry and admitted the Improbature before Sentence, an Incident with the principal cause of Improbation, namely without new Enrolling, but would not stay the principal cause in dependence, before, by the Dependant of Improbature 12 July 1677. Hunter contra Henderson.

The pursuer gives in his Articles of Improbation which the Defender is allowed to see and Answer and to upon his Articles of Approbation, and both parties allowed to prove their respective Articles. At advising of such time inds, the parties are licenced to plead as in a Concluded cause. But there is no formal act here concluding the cause. But there is no formal act here concluding the cause as in other Actions. And any evidence may be received at any time before Extracting of the decreet: because Hunter Contradictor in false. All the writs may be proved to be Holograph or written by witnesses who saw them write and subscribed, with even presumptions to the Contrary: yet writs produced by the defender in an Improbation for ascertaining the Date of those quarrelled as false, were not declared to be proved Holograph Comparatione literarum, and by witnesses, but that they believed such writs to be writ and subscribed by the party. In Respect the writs offered to be improven were Charged to strong presumptions of false hoodgen, the witnesses who saw not those written by the party, but the more than that they were so like the hand that they could not discern the difference and not that they could not discover the forgery, or Interpolated, as they could not Discover, it would be sufficient proof of Holograph would be sufficient probative. Albeit such proof of Holograph would be sufficient where there are no such contrary presumptions or evidence 11 July 1662 Renton of Lamerton contra Leven & Kennedy. A writ may be improven by Inspection of the stamped Seal of the paper, when it is known that no paper of such a stamp was extant at the date of such a writ. Clair Lib. 4 Tit. 42 & 119 verso. Thirdly, this Ingenious Invention of Discovering forgery was first owing to the Earl of Haddington when he sat as President to the Session with the Lords Bimning. At which time the Lords being puzzled what to do with a writ they believed to be false but wanted sufficient proof, the president taking up the writ in his hand and holding it betwixt him and the light, perceived the false hood by the stamp of the paper.

Albeit Improbation be the last of all Exceptions, after which the Defender can Insist on no other Vide Ayo. mag.

Yet here one raises an Action of Reduction and Improbation

of a writ for Reducing it upon Nullities and Improving it as false, and insists first in his Improbation; he may assert the writ has failed to Improve the writ as false, he now to his Reduction Nullities of upon Nullities 22 Feb. 1676 Jones contra Gordon.