

Warrant in foro Communi Gentiana. Nor is Compell'd and Omitted in Decrets of Superior Courts, ubi non est copia Porriti = rümgle relevant to Exclude a Defence in appicibus juris, ~~but~~ not Formerly, Windsorford there, 21 January, 1677 Gaudon contra Quarson. Tho' it be sustained as to Allegations obvious to the proccalors then, or to every Capacity, which are presumed to be omitted animo pro latendi. Altho' with a Design to find upon those upon, 13 Feb. 1677 Buggat contra Padewalle. Tho' a Decret pronounced, by an inferior Judge in that action time was sustained; in respect the party against whom it was given cognoscens and made no objection against the want of a Dispen. sation whose assistance in that matter was found to hinder him after words to object. what he them Omitted, 6 Decemb. 1628 Maxwell contra. Minster Compe. lant and omitted is not considered in Baron Courts 15 Jan 1662 E. Marshall contra Bray.

Again the Lords of Session cannot Reduce their own Decrets in foro upon Allegations proposed and Repelled or upon grounds of Iniquity. Nam. lb. A. Feb. 1546. The Reason is, for that as it were Rēdo and Confusable to let a Sovereign Judge to his face that he hath not estab. lish'd if the motion of Decrets of Session in foro were sustained upon reasons proposed and Repelled therein, or upon Iniquity, there would be need of pleas, and no person could safely call any thing his own. This priviledge of Decrets of Session in foro, that they cannot be over-termed upon Iniquity, or upon grounds proposed and Repelled, or Compell'd to believe been proposed, and Omitted in the plea, takes no Effect against the King.

It is also peculiar to the law of Scotland, and no where else that I know obtains. For in England the Judges in West Minster hall may Review their own Decret upon writs of Error, and writs of false Judgements.

Certification will not be granted against warrant, Executions or Minutes of process, which are small papers that cannot be long preserved; Unless the Decret be the only quarrell'd by the action. Nam. lb. A. Feb. 20 1521. Because all is presumed to be orderly done, since the Defendants are allowed to see the firsts of Decrets and compare them with the Minutes before Extracting and Complain. Co. Bill of Writ.

any Disconformity. But if such Minute Warrant be so tant, the Clerk must produce them. Nam. lb. To let see if they Agree with the Decrets. In Reduction and Improbation of a Decret 20 Years after pronouncing thereof, Certification was Refus'd against that part of the warrant of the Decret which used to Remain in the Clerk's Hand, M. The summons, Charge to Enter Reir, and the Executions thereof and allowed only against the writs which the pursuer got up from the Clerk 15 Feb. 1679 Brown contra. Kinme 20 Feb. 1713 Morrison of Bognie contra E. Edwin. Again the want of Executions of a General and Special Charge to Enter Reir after twenty Year was found to be no Nullity nor ground of Reduction of a Decret of Constitution and Adjudication proceeding thereon 26 Novemb. 1725 Hockburn contra Executors of E. Dorrwood. Certification ~~against~~ <sup>against</sup> Appyzings before the Year 1624 will be Deny'd; because Appyzings were then left in publick Custodia as the warrants for signatures for Judgment therein. In the Reduction of a Decret at which the Defendant was not found obliged to produce the Claims, which use not to be preserved or Noticed after Decret, as in Courts of Record 22 July 1675 Minzias contra. Handeys. In the Reduction and Improbation of a Decret of Constitution against one Charged in General to Enter Reir Certification was Refus'd against a Decret of Appyzing Recovered from a third party, and produced ad Modum probacionis in the Decret of Constitution; in respect the appyzing was the right of another, in which the obtainer of the Decret of Constitution had no Interest 20 Feb. 1713 Morrison of Bognie contra E. Edwin. A Creditor settled in a Banding and sale against whom the term was Circumstanced for not producing his Interest in the Decret of Banding, having charged the Reduction of the Decret, was found obliged if he Insisted in his Reduction to satisfy the production himself and the purchaser not liable to give him the use of it as a Common interest of all the Creditors, upon payment of his proportion of the Expence of Extracting 17 Feb. 1713 Hulmontie contra Popes because what over the Particular Creditors might have to say for their being Indulg'd the use of the Common Decret; the pursuer, who by his