

the defender in probation in favour of his decret, and that the hail exception was proven be writ. It was likewise found in that cause, that ane baron's decret may be put to execution incontinent after the pronounciation thereof, and that it needs not fifteen days delay. It was remembered, that in an acion of the Laird of Wedderburn's, decided in December last, the LORDS found that it was lawful for ane baron to condemn ane man convict for blude in thair court in fifty pound, or to unlaw him in the like soume for non compearance.

*Haddington, MS. No 2067.*

No 16.

1630. July 28. L. FREELAND *against* SHERIFF of Perth.

ONE of the L. Freeland's tenants being unlawed in his baron-court for blood, and being therefore lawfully convict, and having paid the unlaw; this tenant being thereafter convened for the same blood before the Sheriff, and it being drawn in dispute before the LORDS, if that conviction, and payment conform thereto, done in his master's court, should liberate him, seeing the Sheriff alleged it ought not to free him, because albeit the baron might convict his own tenant, in his own court for blood, yet that right is only competent to the baron, where both the person committer of the blood, and the other party, whose blood is drawn, are both tenants to the baron; and so where they are both subject to the court, or else where, and when the fact is committed upon his own ground; but being done upon the ground, pertaining to another heritor, the baron had no power to cognosce thereupon. THE LORDS found, that seeing this fact was not done upon the baron's ground, and that both parties were not his tenants, neither did the party hurt complain to the master in the master's court, nor seek reparation there, *quo casu* the master might claim the process, if it had been so proceeded, albeit the committer was his tenant, yet that the Sheriff was only judge to try the same; and that the trial made by the master did not liberate him, but that the Sheriff might proceed, and ought to be preferred.

*Fol. Dic. v. I. p. 327. Durie, p. 536.*

1672. February 6. SIR ROBERT MURRAY *against* MURRAY of Bruchtoun.

THE late Earl of Annandale Murray having by his will made at London, bequeathed or legated his estate in Ireland to Sir Robert Crighton (he assuming the name of Murray) which is allowable by the law of England; and having before conveyed that same estate in favours of Richard Murray of Bruchtoun, by a conveyance, according to the law of England, whereby on the one day he grants a lease of the said estate to the said Richard, and on the next day there-

No 17.

A baron having unlawed his tenant for blood, the decret was found null, because the fact was not done upon the baron's ground, nor did the party hurt live within his jurisdiction, or make his complaint there.

No 18.

A forgery committed in Scotland by a Scotsman may be challenged before the Lords, and improbation will pass.