

Certifications in improbation, that have stood long
 uncontroverted, and therefore are safe, that it be properly
 called. Yet such Certifications may be got Certified if
 related to Accents, and may be Related upon a recent production
 of writs of importance, without expence to be paid to the
 Jury, where the Tenant's production was hindered thro' the
 Defendant could not force 26 June 1673 Murray contra
 Murray 17 Feb. 1673 Barnardine contra Creditors
 of Rome and with expence to the pursuer Modified in
 Call, where the Defendant had no other ground to be Reason
 able that of a recent Application and production thereof
 1709 Murray contra Wood. But Certification in an Improbation
 against a pursuer who was neither Called nor had a Com
 mence to him to produce, but only Made Comparison for
 himself by an Advocate, was found Null by Exception 23 Feb.
 1680. E. Eucens contra E. Annanda Co. The Lord are
 careful that Certification in Improbation be orderly
 that they will not admit the admission of any form
 or the Deduction and Improbation of the Execution of
 ceed on to receive it at any time, while parties are obli
 ged to produce Executions. Stat. lib. 4. Feb. 20 1711. A Decree of
 Certification of force only to secure the rights and what
 self was founded on for the writs against which it
 may be put in use of against any other party, than
 the obtainer of the Certification; or against other rights
 belonging to him. Stat. lib. 5. 5. That Writs Vincendum was
 found no sufficient ground that he who had obtained Cer
 tification in Improbation against a prior and profer
 right, should thereby exclude a posterior right, which the
 prior right would have excluded 3 Decemb. 1673 Ray contra
 Alexander. Because Certification doth only take away the
 Right quarrelle and Communicate nothing to the pursuer

The Lord do not ordinarily after Certification gra
 ted examine witnesses upon the forgery of a writ, till the
 principal be produced, that the witnesses may see their
 productions, but in the Improbation of a bond and
 prohibition presumed to be forged, these writs having former
 been produced in another process and really, and copied the
 of bearing tenor date and witness infer taken, and
 the Defendant having declined to produce them in the
 process, and suffered Certification to pass against them
 the Lord even after Extracting of the Certification
 while the writs were not produced, examined as offic
 upon the Copies the Writer and Witnesses infer take
 what they knew concerning the truth and forgery of

thereof, albeit it was pleaded for the Defendant, that the Im
 probation was Determined by the Decree of Certification.
 In respect it was answered, that Improbations were Civilly
 imposed in are not totally Determined by the Certification
 which is only an Interlocutory Sentence. For if the pursuer should
 thereafter find and produce the principal writ, he might
 proceed to improve it, there being no Tenant's lancy to hold
 and revoke it false by the Certification, and also to prove it
 to be false, gaining the the pursuer could not properly pro
 duce the writ it is reasonable that all possible Evidence of the
 forgery should be taken to by in later writs: having had some
 der will fully Refuse to produce it, and the Defendant might
 die, and these might be of consequence against words of the writ
 quarrelle intimated at the pursuer's producing, with
 which the Certification would not be of death. And if forged
 should escape by suffering Certification to pass against false
 writs which they will fully deny, and perhaps have burnt
 a door would be opened to encourage such Writs 9 Decemb.
 1669 Lady Gray contra Captain Barre. In which Barre was
 and Instrumentary Witness having confessed the forgery,
 and that they were Moved thereto by the pursuer: the Writs
 were not Improved because not produced, that the Judges
 and witnesses might know the writ in question and those
 might be several writs of the same date, but the pursuer &
 witnesses were found guilty of forgery, and the Defendant
 excepting thereto, and all of them Declared Injurious, and Re
 mitted to the young Council to be inished, or other ways
 farther Enforced as the Council thought fit 6 January
 1670 Lady Gray contra Captain Barre. ^{That the Council should be}
 And also in the writs called for are produced, great Injurious
 is made with the Reasons of the Deduction and Improbation.

But the pursuer may within six days thereafter give in
 writings, other special Reasons than those Contained in the writs
 to which the Defendant must within other six day put in
 his written answers: Yet which day allowed for giving in
 the answers be Expired, the Reasons of the Deduction and Impro
 bation cannot be Disputed Act of Sed. 31 Decemb. 1728 & 4.

Law appoints one who offers to Improve a writ as false
 either by way of Action or Exception, to find caution or
 to Enact himself in a pair of bonds in case he succeed, half
 to the King half to the party, and whose the Kings Advocate
 pursued, the former found Caution Act 62 Parl. 7 L. M. This
 may be tied to vocale and is ling ad vindictam Publicam
 finds no Caution, because he is never presumed to pursue
 Calumniously. Wherefore observe on do. Act 62. The Lord
 20