

1712. July 17. HUME *against* HUME.

No. 52.

The depositions of the drawer and writer of a disposition were allowed to be taken summarily, without a formal proving of the tenor, for supplying two sheets of the narrative of the decd, which had been through carelessness torn off, the whole descriptive part, subscriptions, and margins, being entire.

Forbes.

* * This case is No. 7. p. 14967. *voce* SUMMARY APPLICATION.

1712. June 26. INGLIS *against* LORD ALEXANDER HAY.

No. 53.

An instrument of sasine taken upon an heritable bond in favour of the original creditor, a precept of *clare constat*, and sasine thereupon in favour of his heir, being all three lost; the Lords found the tenor sufficiently made up upon the following adminicles; *1mo*, The extracts of the two sasines out of the record; *2do*, The heritable bond their warrant; *3tio*, A decret of pointing the ground founded upon them.

Fountainhall.

* * This case is No. 81. p. 2744. *voce* COMPETENT.

1713. July 7. HAMILTON *against* HAMILTON.

No. 54.

In a proving of the tenor of a disposition, the allegation, that the writ at issue had been innovated, cancelled, and retired, was repelled *hoc loco*, reserving to the defender to be heard thereon after the tenor had been proved.

Forbes.

* * This case is No. 82. p. 2745. *voce* COMPETENT.

1713. July 17.

JAMES BLACKWOOD of London, Merchant, *against* JOHN HAMILTON of Grange and his Tenants.

No. 55.

In an action of mails and duties pursued by James Blackwood against the tenants of the estate of Grange, John Hamilton their master compeared and repeated a reduction of the pursuer's title, which was an adjudication, upon this ground, That the same proceeds upon a decret proving the tenor of a bond

A decree proving the tenor of a bond therein libelled,