

## BLANK WRIT.

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1742. *December 21.*      CAIRNS *against* CAIRNS.

No. 1

A BOND secluding executors, but containing a substitution, and the substitute's name appearing to have been originally blank, and afterwards filled up with a different hand in the creditor's second son's name, who died before his father; found that the substitution must be held as still blank, though the bond was before the act 1696 against blank writs. (See Dict. No. 17. p. 1673.)

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1749. *February 10.*

MR WILLIAM DONALDSON of Murrach *against* JAMES DONALDSON.

A DISPOSITION of lands, about 500 merks rent, by a father to his second son in 1716 was found null, for that it appeared to have been written blank in the disponee's name, which was filled up by a different hand, and in two places the name still remained blank; which we found presumed that it was subscribed blank, unless the defender would prove that it was filled up before subscribing, or before the same witnesses that witnessed the deed; and that in a process at the instance of the eldest son against the infant heir of the second son; notwithstanding that to ocular inspection the disponee's name was filled up with the disponent's own hand; that the disponee, when in the Indies, was infest upon it in December 1721 by the father; that the father homologated it by several deeds, particularly a bond of provision in

No. 2.  
Disposition sub-  
scribed in blank  
found null.

- No. 2. January 1721 reciting it, and pursuant to a faculty reserved in it, burdening the disponee in a certain event with 12,000 merks to a third son; and though the second son possessed on it by his factor from the 1723 that his father died till his own death in the 1738; and we also repelled the defence, that *minor non tenetur placitare*, because the disposition being null, this was not *hereditas paterna*. (See Lord Kilkerran's report of this case, DICT. No. 21. p. 9080, and APPEND. II. *h. t.*)

See Earl of Caithness against Sinclair, June 13, 1746, and Ruddiman against Trades Maiden Hospital, *voce* PRESCRIPTION.

See NOTES.