

that the executor of diligences must be careful to adhibit such witnesses as can fully and formally sign their names. No. 12.

Dalrymple, No. 80. p. 101.

Fountainhall also reports this case :

John Meek pursues a reduction against one Duncan. It was objected the execution of the summons against him is null ; for, though it be subscribed by two witnesses, yet one of them only subscribes by a mark, or the initial letters of his name ; and though the word witness be adjected, yet it is most defective and illegible, *et non constat* it is done by him. Answered, In some remote places, it is difficult for messengers to get witnesses to their executions who can subscribe *ad longum* ; and here he offered to supply the defect, by adducing the witness to own the subscription, and abide by the verity thereof. The Lords considered that parties contracters, or debtors, their subscribing by initial letters, has been sustained, where it has been adminiculated, by instructing that it was their usual way of subscribing, but it was never pretended in the case of, witnesses ; and the 5th act of Parliament 1681, requiring witnesses to messengers' executions of summonses, puts them in the same case with executions of inhibitions, hornings, arrestments, or intimations. Therefore, in all these respects, they found the execution null, and that Meek behoved to execute anew.

Fountainhall, v. 2. p. 372.

1708. November 23.

SIM against DONALDSON.

A disposition being challenged for want of sidescribing, the objection was repelled in respect the last sheet, duly subscribed, contained all that was material in the disposition.

Forbes.

* * This case is No. 132. p. 16713. *voce* WITNESS.

1711. June 8. The CREDITORS of WILLIAM PATON of Panholls, Competing.

In the competition of the creditors of William Paton of Panholls, an assignation granted by John and Mary Patons, to the said William Paton their eldest brother, subscribed by both the cedents, but sidescribed at the joining of the sheets only by John before two witnesses, being quarrelled by Mr. John Cunningham, schoolmaster in Edinburgh, husband to Mary Paton, as null *quoad* her, upon this ground, that she did not sidescribe it ; it was answered for the other creditors, that no

No. 13.

No. 14.

A writ subscribed by two, and sidescribed at the joining of the sheets only by one of them, sustained as valid *quoad* both.