

No. 2.
 ply a lost
 charter, with-
 out a process
 for proving
 the tenor.

the said James' father had resigned certain of the said lands in the said Lord's father's hands as superior thereof, *ad perpetuam remanentiam*. It was alleged by the said Sir James, that the said Lord's father after that resignation, had infeft heritably the said Sir James' father in the said lands; and to prove the same, produced an extract of the register authenticated by the clerk thereof, containing at length ane confirmation of the King's G. of the said inserest, and the said Lord's charter made to the said Sir James' father interted at length in the said confirmation. It was alleged by the said Lord Sommerville, that the said extract of the register was not enough to verify the said Sir James' allegiance, without he show the principal charter made by the said Lord's father; which allegiance of the said Lord Sommerville was repelled; and found, that ane charter inserted at length in the King's confirmation is sufficient, howbeit that the principal charter be not produced, and shall have as great faith as if it were produced.

Fol. Dic. v. 2. p. 449. Maitland MS. p. 152.

1564. December 18. JAMES BROWN *against* ELIZABETH WILLIAMSON.

No. 3.
 Found as
 above.

Ane evident, or chartour of confirmatioun, maid and gevin be ane havand powar to mak and give the samin, and contenannd in it all and hail the chartour and evident whilk is confirmit, as the common use and consuetude is in sic caisis, is authentique, and makis als greit faith in preiving of ony thing contenit in the evident quhilk is confirmit, as the samin itself may do in ony wayis.

Balfour, (PROBATION OF WRITS,) p. 368.

1567. LORD CLOVA *against* RAMSAY.

No. 4.

Both parties having taken instruments upon pronouncing a decreet-arbitral, the Lords found that the said extended instruments, containing the tenor of the decreet, were sufficient without production of the principal decreet.—See APPENDIX.

Fol. Dic. v. 2. p. 449. Maitland MS.

1587. February. LAIRD OF DRUM *against* FEDDERAT.

No. 5.
 A probation
 of the tenor
 was rejected,
 because no

The Laird of Drum pursued the Laird of Fedderat to cause the said Fedderat insist in an action wherein he had summoned the Laird of Drum to hear and see the tenor of certain infestments made by Fedderat, grandson to the said Drum,