

1671. *December 5.* DICKSON *against* DICKSON.

No. 297.

A ticket from one brother to another, bearing, "That he should pay the half of the expenses of the reparation of a certain house," found null, as not being holograph, and without witnesses; and the offer was not found relevant to prove the verity of the subscription by witnesses, or *comparatione literarum*, though betwixt two brethren *in re modica*, not much exceeding £100.

Stair.

* * * This case is No. 111. p. 16885.

1676. *February 22.* LD. INNES *against* GORDON.

No. 298.

The user of a discharge null for want of the designation of the writer, was allowed to supply the same, by condescending upon the writer, if alive, or, if dead, by producing several of his manuscripts to be compared with the hand-writing of this discharge.

Stair. Dirleton.

* * * This case is No. 143. p. 12056. *voce* PROCESS.

1680. *December 17.* LOCKHART *against* LOCKHART.

No. 299.

Lockhart of Cleghorn pursues his brother for payment of an account. The defender alleged that the account wanting witnesses, it was null, and not probative, the defender being a soldier, and no merchant, and did deny the subscription to be his; which account did consist of small particulars, but amounting in the whole to £150.

The Lords inclined not to allow this account as probative, unless it were administered, but ordained the defender to give his oath of calumny, whether or not the subscription was his hand-writing.

Stair, v. 2. p. 819.

1681. *November.* GEORGE HERIOT *against* MR. HENRY BLYTH.

No. 300.

A note for £26 being proved holograph, except that the sum was filled up by another hand;