

eliding of the which interest, he was content that the said bond should be holden as done after the inhibition, and that the inhibition should not be prejudged thereby, nor yet the pursuer her contract of marriage, nor no head therein contained. The Lords nevertheless found, that the pursuer might improve the obligation in the date thereof; which being so improved, they found that it should fall in toto, and that it ought not to be respected, as a bond made after the inhibition, nor of any other date than it bore, *quia quod non est verum de data, quam præ se fert, præsumitur non esse omnino verum, nec ullo tempore fuisse gestum.*

No. 344.

Clerk, *Hay.**Durie, p. 793.*1688. *February.* ANDREW JOHNSTON *against* JOHNSTON of Lockerbie.

No. 345.

In an improbation of the date of a marginal note wanting witnesses, the Lords found, That the user might prove it by the pursuer's oath, without necessity to abide at it, as in the case of positive falsehood; and that though the pursuer should not by his oath acknowledge the date, the marginal note would only fall, and not the whole writ, upon the brocard *falsum in uno falsum in omnibus*, which holds only in positive falsehoods, at least *in articulis connexis*. And here the subscription to the marginal note was not denied, but only it was quarrelled as not of the date of the body of the writ.

*Harcarse, Na. 575. p. 159.*1723. *November 26.*M'DOUALL of Garthland *against* REPRESENTATIVES of KENNEDY of Glenour.

No. 346.

A bond being produced vitiated in the sum by a superinduction of pounds for merks, was refused to be sustained for the original sum, but found null *in toto*. See APPENDIX.

*Fol. Dic. v. 2. p. 554.*

Writ how far Probative? See PROOF.

Vitiated writs how far Probative? IBID.

Vitiation whether presumed Fraudulent or Innocent? See PRESUMPTION.

Blanks when filled up? See PRESUMPTION.

Delivery when understood made? IBID.

Deeds taken in name of Third Parties, if good without Delivery? IBID.

Deed of Importance signed but by one Notary, Will it be sustained for £100? See INDIVISIBLE.

Incomplete Deeds affording room to Resile; See LOCUS PŒNITENTIÆ.

What Proof relevant to do away the effect of Writ; See PROOF.

See No. 46. p. 1445. and No. 11. p. 1352.

See APPENDIX.