writ of a different tenor. But it carried only by the President's casting vote,—which seemed to me a little odd.

No. 9. 1741, July 17. ANDREW HALL *against* DUKE OF ROXBURGH.

THE Lords sustained the objection to the Duke of Roxburgh's sasine, that the pages were not numbered in the notary's attestation, and therefore found no title to carry on the process of declarator of astriction, 4th June.

In this important question, decided 4th June, concerning the nullity of a sasine written bookwise, that the attestation did not number the pages, we examined the keeper of the register and several writers to the signet. The disuse appeared so universal that we repelled the nullity, but resolved to make an act of sederunt.

No. 10. 1742, Jan. 19. ROBERTSON *against* MRS JEAN KERR.

IN the reduction of a testament, the Lords, on instant, found that the act 1696, anent writing securities bookwise and directing the inserting the number of pages in the doquet, does not extend to a writing consisting of only one sheet or two leaves of paper, and repelled that objection to the testament; and this day they adhered, and refused a bill without answers. (See No. 6, *voce* LEGITIM,—No. 19, *voce* MUTUAL CONTRACT,—No. 6, *voce* TESTAMENT.)

No. 11. 1742, Nov. 22. THE DUKE OF DOUGLAS *against* THE CREDITORS OF LITTLEGILL.

IN these informations the point is pretty fully argued, Whether either 117 act 1540 or 80 act 1579 made the inserting or subscribing of witnesses in deeds or contracts, signed by the parties themselves, a necessary solemnity? I have stated my opinion pretty fully in my notes on the Duke's information, and the Court seemed to that opinion,—that as the act 1540 did not require signing, (which Kilkerran at first seemed to think it did), so neither it nor the act 1579 did, in words, enjoin the inserting them where the parties themselves signed, and only enjoined inserting four witnesses where the writing was signed by notaries; but that the inserting was necessary at common law, and was supposed in both these acts, as well as in 175 act 1593. Therefore we sustained the objection. But we were divided on the question, Whether it was suppliable? Arniston thought (it was). But on my motion, it was remitted to the Ordinary to hear them how they offered to supply it, and how they offered to prove their condescendence. We had no regard to the argument, that this was a factor's account, because we had no evidence, besides these very writs, that Littlegill was factor, and even these rather imported that Inglis was. Nor did we regard the argument, that they were to be held witnesses to one another's subscription.

(The same objection was sustained, but found suppliable, in the case of Urquhart, 27th July 1753. See Note relative to that case, No. 7, *voce* PATRONAGE.)

No. 12 1742, Nov. 30. HEIRS OF TENNENT *against* HIS TRUSTEES, &c.

See Note of No. 8, *voce* TESTAMENT.