

1682. *March.*GEORGE THEINE, OF CHEYNE, *against* JOHN SEATON, Merchant in Aberdeen.

In a proving of the tenor of a sasine of burgage in Kintore, (where there was no record or register) *in anno* 1627, the *casus amissionis* libelled was, that it was put out of the way by the relict, or her neglect. The adminicles were two renunciations of two wadsets of the said tenements and acres, narrating the granter of the wadset was infest and seised.

The Lords sustained the tenor of the sasine, which was proved by witnesses, who said the notary expounded it to them, being Latin. Here the tenor had no witnesses libelled.

*Harcarse, No. 814. p. 227.*

No. 36.

1682. *December.* DICK of Braid *against* GORGIEMILN.

Dick of Grange having raised a proving of the tenor of a tack granted by Sir William Dick to his daughter-in-law and heirs, until the payment of a sum of £.4000, and for the aliment of her children; these being extraordinary clauses, all that was adduced in writ was a decree before the Sheriff, wherein a tack to the Lady and her heirs was related; which adminicle the Lords sustained. But the difficulty being, how that decree would adminiculate the extraordinary clauses of the tack, and yet the mention of heirs in the decree made the tack appear to be more than a life-rent;

The parties settled before interlocutor.

*Harcarse, No. 815. p. 227.*

No. 37.

1684. *March.*COUNTESS OF KINCARDIN, Donatrix, *against* BROOMHALL.

Found, That the tenor of an assignation of £.100 Sterling of fishing stock, alleged to have been granted by my Lord Kincardin to Broomhall, could not be sustained, unless there were some adminicle in writ produced, though the witnesses offered for proving the same were my Lord Kincardin's friends.

*Harcarse, No. 816. p. 227.*

No. 38.

1684. *December.* PEPPERMILL *against* MR. GEORGE ROOM.

In proving the tenor of an apprising led in the year 1621, the summons did not libel witnesses, which the Lords dispensed with *in re tam antiqua*.

*Harcarse, No. 817. p. 228.*

No. 39.