

No. 112.
were filled up
with his own
hand.

“ of 4000 merks” twice repeated, “ and £400 of penalty,” and the date, which are not like a single subscription not cognoscible by witnesses; but many tickets among merchants contain not so many words in all; so that one witness being *semiplena probatio*, the same might be completed by a probation far stronger than one witness, viz. many witnesses that knew the hand-writing, and who heard David Trench acknowledge himself debtor to Helen Sim. Likeas, there is produced a discharge granted by Helen Sim of a term’s annual, paid to David Trench’s wife, shortly after his death, who knew all his affairs, and kept his shop.

The Lords before answer having ordained witnesses to be examined, their oaths were this day advised, and the particulars aforesaid were found proved, and the bond was sustained.

The defenders did make no debate at the advising, and the Lords did remember that in Hartrie’s testament, the body whereof was written with another hand, there were blanks for filling up some sums and childrens’ names, which being proved to be filled up with his own hand, the testament was sustained without witnesses; and here there was one witness, and the particulars foresaid proved to be Trench’s hand-writing, and the matter being betwixt Helen Sim and Trench, who are both merchant’s-shop-keepers.

Stair, v. 2. p. 309.

No. 113.

1682. January 17. DEWAR against BEATSON of Kilrie.

Found that when the first notary says *de mandato*, the *co-notarius* need not add the words *de mandato*; and that a deed is valid though the witnesses subscribing thereto were not designed in the body of the writ.

Harcarse, (SUBSCRIPTION) No. 591. p. 253.

No. 114.

1682. November. STEVENSON against STEVENSON.

In an action at the instance of James Stevenson against William Stevenson, son to the deceased William Stevenson, skipper in Pittenweem, the Lords found a bond null, in respect one of the witnesses deponed that he did not see the party subscribe the bond.

Sir P. Home MS. v. 1. No. 253.

* * The like found 12th February 1684, Blair against Peddie, No. 27. p. 13942.
vide REPARATION.