

T E N O R.

1541. *February 16.* **DICKSON against VEITCH.**

No. I.

The Lords admitted Patrick Dickson of A. to prove casum amissionis et tenorem instrumenti per testes qui scriberunt et legerunt dictum instrumentum. The cause was, that the said Patrick summoned the notary, in whose protocol the instrument was inserted; and he answered, that the said protocol was burned at the burning of Kelso.

Fol. Dic. v. 2. p. 446. Sinclair MS. p. 160.

. This case is mentioned at greater length in another Copy of the same MS.

The Lords, in a case of Patrick Dickson in Hudope, against Sir Thomas Veitch, notary-public, and John Dickson for his interest, repelled certain witnesses produced by the said Patrick, racione consanguinitatis in gradu prohibito inter ipsos et testes; and also in the said cause the Lords admitted the practice foresaid to prove an instrument, which he desired the notary to give him, which the notary refused to do, because that he alleged that his protocol book was burned in his chamber in Kelso, when Kelso was first burned, and that he could not remember presently what the instrument contained; therefore the Lords admitted the said Patrick to prove by witnesses the burning of the said protocol, and the tenor of the instrument, and that it was whole and not vitiated by them that had read it, and show the same, to that effect, that the notary might be compelled to give forth a new public instrument.

Sinclair MS. p. 10.

1564. *July 15.* **HAMILTON against SOMMERVILLE.**

Anent the action pursued by Sir James Hamilton against the Lord Sommerville for reduction of certain lands; it was alleged by the said Lord Sommerville, that

No. 2.

A charter of confirmation found to sup-