

No. 195. before." And although, strictly speaking, perhaps this statute does not apply to executions, or other publick instruments, practice has likewise extended it to them. See Thomson's Duty of Messengers, p. 30. Accordingly, although the act 1696 does not mention sasines, it has been considered as virtually repealing the act 1686. C. 17, in so far as it requires every page of a sasine to be signed by the witnesses, but does not require the pages to be numbered, Ersk. B. 3. T. 2. § 16. Indeed, as the act 1696 is the only authority for writing executions bookwise, if it does not apply the execution is null, because it is not written in the old form. The execution being therefore, in either view, defective in point of legal solemnity, it cannot be supported, however immaterial the defect may be to the substance of the deed ;
EXECUTION, Div. 4. Sect. 6

The Lord Ordinary repelled the reasons of reduction.

A reclaiming petition was (29th January 1795) refused, without answers.

A second reclaiming petition having been presented, it was

Observed on the Bench : The act 1686, C. 17. does not require every page to be subscribed, but every leaf ; and even the act 1696 (if it applies to the executions), is not very explicit on the subject. It ordains pages to be signed, " as the margins were before ;" but the sole object of signing at the margins was to prevent one sheet from being fraudulently substituted in place of another. And the act 1696 cannot reasonably be supposed to have meant any thing more, than that each sheet or piece of paper should be subscribed for the same purpose. See December 1742, Williamson gaainst Williamson, No. 191. p. 16955. Besides, the pages which are not signed in the present case contain nothing material to the execution.

The Lords also refused this petition, without answers.

Lord Ordinary, *Ankerville*. For the petitioner, *Dean of Faculty Erkine, Hagart*.
Clerk *Gordon*.

D. D.

Fac. Coll. No. 159. p. 364.

SECT. VIII.

Privileged Writs.

BUCHANAN against M^rARTEY.

No. 196. One notary is sufficient to a testament of whatever extent the subject be:

Colvil MS.

* * This case mentioned in Fol. Dic. v. 2. p. 545. without a date, has not been found in the MS. See APPENDIX.