

No. 25. "The Lords repelled the objection."

Act. G. Pringle.

Alt. A. Pringle.

Reporter, Kilkerran.

D.

Fac. Coll. No. 43. p. 64.

1759. February 9.

DUNBAR *against* INNES.

No. 26:

The testing of a mutual contract bore these words, "In witness whereof these are written by A. B. servitor to the Laird of B. and subscribed by *my* hand at Edinburgh," &c. The deed was signed by both parties. It was objected, that the word *my* did not apply particularly to either of the parties' subscriptions, and could not apply to both; which was urged as a nullity in the deed. The Lords repelled the objection.

Fac. Coll.

* * * This case is No. 315. p. 11644. *voce* PRESUMPTION.

1760. November 19.

SHEPHERD *against* INNES.

No. 27.

A woman sued a reduction of some bills accepted by herself upon this ground *inter alia* that they were signed by initials, which was not her ordinary way of subscribing. The Lords repelled the reason, as the pursuer did not deny that the initials were of her hand writing.

Fac. Coll.

* * * This case is No. 8. p. 589. *voce* APPRENTICE.

1765. June 21. Sir THOMAS GORDON *against* JAMES MURRAY of Broughton.

No. 28.

Not bearing in the testing clause to be subscribed by the granter. —Subscribed without his Christian name.—Notarial documents.

Nathaniel Gordon served heir male and of provision in general, to the estate of Carleton, with a reference to the clauses of the entail, and disposed the lands to Alexander his son in fee simple.

Alexander Gordon sold the estate by minute of sale to Alexander Murray of Broughton, who led an adjudication in implement, and also in security of sundry debts, on which he was infeft.

Sir Thomas Gordon of Earlston, the next substitute to Alexander, pursued a declarator of irritancy, for having it declared that Nathaniel and Alexander Gordons had irritated their rights, for themselves and their descendents.

Compearance was made for James Murray, now of Broughton, who pleaded, *inter alia*, that Nathaniel Gordon had right to the estate, independent of the tailzie, by expired adjudications.