tion; but, on a reclaiming petition, being sensible that the thing was actually done, and that the defect consisted merely in a blunder and inaccuracy of the writer, they repelled the objection, and sustained the sasine.

In all the above cases the Lords proceeded upon this principle, That, where it appeared, *ex facie* of the instrument, that the thing was done, and that sasine was in reality given, blunders or mistakes, in extending the instrument, ought not to annul the sasine. And accordingly, in many cases, sasines labouring under defects have been sustained both by the Court of Session and House of Peers, which, at a more early period of our law, especially before the introducing the register of sasines, would have been sustained.

1778. *August* 6. SCOTT of SCOLLOWAY *against* BRUCE STEWART.

A SASINE produced in a process, Scott of Scolloway against Bruce Stewart of Symbister,—(which see Prescription,)—laboured under this objection, That sasine was taken only at one place, though the lands lay discontiguous. And the only union was, that the precept, which was by a subject, bore a warrant to give sasine at that place, in name of the haill other lands; which the granter declared equally sufficient as if taken on each particular. It was said that here there was no proper union, nor clause of union, nor could there be, as no subject superior can grant a union; and therefore the sasine was void and null. The answer made was a *communis* custom or error, in that part of the country, *viz.* in Shetland, and that, if the Lords annulled this sasine, they would annul a hundred more. The practice was common, and it had been introduced by the division of the lands, in that part, into numberless small discontiguous parts situated in different islands, &c.; and besides, *post tantum temporis*, (for the sasine had been taken *anno* 1709, and possession on it ever since,) *omnia rite et solenniter acta* must be presumed. — December 1776, Lord Braxfield, probationer, who reported the cause, in the course of his trials, reported it as a cause of difficulty, but inclined to the last opinion. The Lords demurred, as well as he, and therefore pronounced the interlocutor mentioned,—(see Prescription.) But this day they altered, and found that the defender had produced sufficient to exclude; that is, they sustained the sasine.

1762. *December* 9. DOUGLAS of DOUGLAS *against* The EARL of SELKIRK, and DOUGLAS of DOUGLAS *against* DUKE HAMILTON.

To a sasine taken in the year 1707, wrote bookways, it was objected, that the same was void and null, the witnesses having signed only the last page, contrary to the statute 1686. The Lords repelled the objection.

They did the same, 19th December 1776, in the same cause, though against another defender, Duke Hamilton,—(see interlocutor in this cause.)

They did the same also as to a sasine expede *anno* 1708, in the competition between Miss Hamilton and Hamilton of Dalziel, concerning the estate of Rosehall. In the case of Rosehall it was also objected that the notary's docquet did not express the number of pages of which the sasine consisted. The Lords repelled both this and the other objections.

The DUKE of HAMILTON *against* His FEUARS.

IT was objected to a sasine, that the pages were not marked with the figures 1, 2, 3, &c. in terms of the Act 1686 and Act of Sederunt 1756. The party produced a new sasine with the defect supplied. So the point was not decided.

The same objection was made to a sasine, in so far as the first page was not marked, though the two after pages were. The Lords repelled the objection, *Copland of Colliston* against *Busbie, February* 1771.

1774. *July* 7. SKELLY *against* DUFF.

BY the decision, 9th February 1768, in the case of the Cromarty elections, the Lords had established that the entry of a sasine, in the minute-book, subscribed by the presenter and keeper, and lodging the sasine in the register office, was equivalent to actual recording; which last, on account of a multitude of sasines given in, and the length of them, was often impracticable. And it was observed that, although formerly sasines were very short, in later times, particularly since the act 1685 concerning tailyies, they are become very long. But this day, 17th June 1774, in a question of enrolment, Lieutenant Francis Skelly against Mr Arthur Duff, another point occurred, *viz.* :—That a sasine being presented at the Register-office, an entry was made in the minute book and the sasine lodged in the office, but the entry was not signed of that date, either by presenter or keeper. The reason of which was, that the keeper was from home; and, without his subscription, the signing of the presenter was of no avail, and did not fulfil the directions of the Act.

The Lords ordered an inquiry into the practice; and from that inquiry so much irregularity appeared in the way and manner of keeping the registers of sasines, in many shires in Scotland,—betwixt ten and fifteen were condescended on,—that the Lords were moved by the dread of consequences, and repelled the objection, holding the sasine to be registered of the date of the entry in the minute-book. But they resolved to make an Act of Sederunt regulating *in futurum* this, as well as other errors concerning this matter.