

On the 24th January 1771, "the Lords found that the notification given in April 1770, was sufficient to make the defender remove at Martinmas 1770, and *Beltane* 1771; and, in respect that Martinmas 1770 is past, ordained her instantly to remove from the arable land, and at *Beltane* from the houses and grass;" altering Lord Pitfour's interlocutor.

Act. A. Lockhart. *Alt.* G. Ferguson.

1771. *January 24.* JOHN LAWRIE *against* MARY WADDLE.

TITLE TO PURSUE.

Objection to the Title of a Pursuer of a ranking and sale, removed by the concurrence of the party having interest.

[*Fac. Col. V.* 202; *Dictionary*, 16,130.]

HAILES. Had there been a discharge of the obligation to retrocess, it is admitted that there would have remained no objection. What is the difference between discharging this obligation and authorising the trustee to proceed, as if there had never been any such obligation?

COALSTON. I am surprised to see a petition of this kind given in. The whole intention of the litigation is to occasion delay.

On the 24th January 1771, "the Lords sustained the title to pursue, and found the petitioner liable in the expenses of the answers to the pursuer;" adhering to Lord Kaimes's interlocutor.

Act. D. Dalrymple. *Alt.* A. Wight.

1771. *January 25.* ALEXANDER GILLIES *against* ADAM MURRAY.

PROOF—EXECUTION.

Parole Evidence incompetent to rectify a mistake in the record of Judicial proceedings.
Executions of Inhibitions must bear three oyezes and public reading.

[*Fac. Coll. V.* 207. *Dict.* 3,795.]

PITFOUR. Mistakes are incident to mankind. *Here* there is nothing more than a mistake in writing *five* instead of *three* in the execution. As to the three