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.)