

TENOR.

15833

“ The Lords having advised the state of the process, writs produced, testimonies of the witnesses adduced, with the mutual memorials of the parties; and having heard their procurators thereupon; in respect of the special circumstances appearing in evidence in this cause, they assoilzie the defender; and decern.”

No. 67.

Act. *Lord Advocate, Ges.*

Alt. *Dean of Faculty, Honyman, Corbet.*

S.

Fac. Coll. No. 342. p. 539.

* * This case was appealed, (April 8, 1788.) The House of Lords “ ORDERED, That the appeal be dismissed, and the interlocutors therein complained of be affirmed.

1790. June 8.

BAILLIES *against* JOHNSTON.

No. 68.

It was objected to a proving of the tenor, that although the deed was existing, it could be of no use, being *in fraudem* of a former deed. The Lords repelled the objection.—See APPENDIX.

Fol. Dic. v. 4. p. 360. D. MS.

See Fumarton against Lutefoot, No. 37. p. 1755.

See APPENDIX.