

the deed, that it is rendered void; Stair, B. 4. Tit. 42. § 19. 11th December 1621, Hamilton, No. 157. p. 16923; 4th December 1629, Wintham, No. 172. p. 6749; 14th December 1627, Hepburn, No. 23. p. 12273; 11th March 1753, Durie, No. 175. p. 16936; 5th March 1760, Lockhart, No. 176. p. 16939; Coke's Reports, p. 66. Goddard's Case, p. 825. H. Pigot's Case; Bacon's Abridgment, vol. 5. p. 159. vol. 7. pp. 299. 306, 307, 308, 309, 310. 340. 342. 349.

No. 3.

2dly, At any rate, as the words of the date, 'Seventeen hundred and eighty', remain entire and unvitiated; the deed in favour of the defender must have been *posterior*, and so preferable to the disposition 1777, founded on by the pursuer.

Lastly, There is every reason to suppose that the date was not vitiated at the time of the granter's death, and there is no ground for suspecting, far less any evidence, that the vitiation was done by the defender, or with his privity; and to annul the deed under these circumstances, would not only be attended with much hardship to the defender, but might also open a door on other occasions to very gross frauds. Persons in the pursuer's situation might be tempted, either by themselves or their agents, to get hold of deeds to their prejudice, and vitiate them; for the very purpose of getting them afterward set aside.

After a hearing in presence, the Lords thinking the vitiation of the date an insuperable objection to the deed, "sustained the reasons of reduction."

A reclaiming petition for the defender was refused, without answers, 27th February;) and a second reclaiming petition was (15th May 1801) refused as incompetent.

Lord Ordinary, *Armadale*. Act. Solicitor-General Blair, *W. Erskine*.
Alt. *H. Erskine, Haggart*. Clerk, *Colquhoun*.

R. D. *Fac. Coll. (App.) No. 13. p. 26.*

* * This judgment was appealed, The House of Lords, (17th March 1806,) ORDERED and ADJUDGED, That the appeal be dismissed, and the interlocutors complained of be affirmed.

1801. February 24. RONALDSON DICKSON *against* SYME.

No. 4.

THIS objection to an instrument of sasine, that the doquet of the notary bore the instrument to have been written by the hand of another, although the date and names of the Procurator, Baillie, and witnesses were written by the notary himself, was repelled.

* * This case is No. 7. APPENDIX, PART I. *vide* TAILZIE.