for as one of the four [illegible] to his Name Witness to the Co-Nota[illegible] Subscription. Albeit the Docquet of the Writ bore it to be signed at [illegible] and Time before four such Witnesses; which general Words were explain[ed] [of] those [illegible] to the Witnesses Subscription, so as not to implie that all the four saw both Notaries subscribe. Nor was the Nullity supplied by the [illegible] subscribing simply as Consenter 24 Decemb. 1709 Anderson contra [illegible] because by a Husband or Curator's so interposing as integrantem personam solam agitur to hinder the Deed to be quarrelled for Want of Authority i[n] Disponer; and not to supplie other Nullities. If upon a Notarie's ask[ing] the Party doth order him to subscribe for him the Party give a Nod [it] will be equivalent to a Warrant and justifie the Persons subscribing as [Witnes]ses to the Deed McKenzie Observ. on Act 5. Par. 3. Ch. 2. Because not [justi]fied by the Civil Law to infer a Mandate, and the Statute (Act 5. Par. 3 [illegible]) says, unless he saw or heard him give a Warrant; now a Warrant [given] by a Nod cannot be seen. The Attestation and Subscription of Notaries for a Party who cannot write by Reason of Sickness and Inability of his [illegible] Hand [is] not probative per se; but in Fortification of the Subscriptions of the Notaries it must be proved that the Party the Time of Subscribing was sick and una[ble] to subscribe 3 January 1683 Clerk contra L. Dalgounie. Albeit Law authorizeth the Subscription of Notaries for Persons who cannot write yet the Subscriptions of Notaries for those who can write are also sustained if they affirm to the Notaries that they could not write 31 January 1637 Veitch contra Kirkcburgh. 2° The Writ must not only be signed by the Party if he can write, before two Witnesses designed (i.e. having their Additions by which they may [be] distinguished from others marked) in the Body of the Writ or by two Notaries in Presence of four designed Witnesses if he cannot write Act 80. Par. 6. J. 6. but also must be subscribed by the Witnesses Act 5. Par. 3. Ch. 2; and should specially name and design the Writer Act 175. Par. 13. J. 6. The Witnesses should be designed in the Body of the Writ Act 5. Par. 3. Ch. 2. Thus a Writ was annulled for that one of the two Witnesses was inserted in the Body of the Writ under a wrong Name, tho with a right Designation which agreed not to any Person of that Name 15 July 1707 Abercromby contra Innes of Dunkinty. The Statute 1681 Cd. Act 5. doth not prohibite the the Supplying Defects by a Condescention only but even by any other Method 4 January 1710 Logy contra Ferguson. But tho it requires the Writer's Name and Designation to be inserted in the End of the Writ before inserting of the Witnesses; Yet a Writ is good if they be inserted in any Place McKenzie Observ. on Act 175. Par. 13. J. 6. And a Bond was sustained, albeit the Name and Designation of him who wrote it tho after the Clause of Registration, was not set down with his own Hand, but by him who wrote the ~~rest of~~ the Bond and

[illegible] fill'd up the Blanks [illegible] Place and Witnesses 9 June 1710 White contra [illegible] and others. [illegible] Writs signed in the [illegible] [illegible] [illegible] with [illegible] of the [illegible] Names and [illegible] of the Witnesses to be inserted by the Writer of the [illegible] [illegible] [illegible] nothing more ordinary than [illegible] Writs [illegible] [illegible] Scotland [illegible] [illegible] in the [illegible] [illegible] [illegible]. And [illegible] Writ of [the] Designation of [the] Writer [illegible] [illegible] [illegible] not [illegible] suppliable [illegible] a Condescendence [illegible] Act 5. Yet where [illegible] [illegible] Writ before the [illegible] [and] Witnesses inserted [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] may be supplied [illegible] [illegible] 30 November 1683 Watson contra Scot. Designations and Additions being so [illegible] and manifold that they [illegible] [illegible] Law hath left it in arbitrio judicis to determine what is a sufficient Designation. At the same Time it must be such a special Characteristick as plainly discriminates the Person from all others and so fixes and points him as he may be known and [fi]nd out in Case of Improbation of the Writ as false. For general Designations as that of Scottishman or Englishman or the like, are insufficient. The Designation of Servant to such a Man is good, [an]d tho he have [illegible] Servants of the same Name and Sirname, the User of the Writ is not obliged to condescend upon the particular Person, but any who impugn it must instruct that such a Man had no Servant who then subscribed so 7 Feb. 1672 Kettleston contra Kirkhill: This being a circumstantiated Negative which may be proved by producing the Hand Writ of all these Servants. Designation by the Dwelling-Place; as Indweller there is also sufficient Act 80. Par. 6. J. 6. 19 Feb. 1706 Duncan contra Scrimzeor 14 Decemb. 1708 Jamisons contra Shirriff. But in an Improbation of the Intimation of an Assignation, wherein one of the Witnesses was designed Indweller in Edinburgh the Assigney was found obliged to condescend more particularly upon the Person, the Designation being so general, that by no Inquiry he could be found and known unless all the Indwellers in Edinburgh at that Time were examined 21 Feb. 1672 Bailie contra Somervel. The Designation of Notary or of Notary publick is good, tho that of Writer which every Body assumes at Pleasure be not, where the Writ bears no Place where it is signed 27 June 1706 McMichan contra Kennedy. Because a Notary ~~having~~ a publick Office that requires Trial and Admission by the Lords of Session, and an Act to be extracted thereon by a Clerk appointed for that End, who keeps a particular Record of the Name Diocie and Manner of Subscription of the Person admitted. But the Designation of a Writer in a Writ signed at Edinburgh 24 Feb. 1712 Rules contra Craig of Riccartoun