

REGISTRATION.

13541

* * Kerse reports this case :

FOUND, That a bond to discharge a reversion equivalent to the discharge of a reversion in prejudice *tertia personæ*.

No 9.

Kerse, MS. fol. 84.

1627. *January 31.* FINLAYSON *against* FINLAYSON.

No 10.

GRANTED by a bill to Robert Finlayson, that he should retire a bond of Walter Finlayson's of 8000 merks out of the register, to pursue him thereupon in Dantzick, because the extract thereof would not make faith there.

Spottiswood, (REGISTRATION.) p. 272.

1628. *January 25.* FINNIE *against* OLIPHANT.

No 11.

PATRICK OLIPHANT and his Spouse being charged by Janet Finnie, to exhibit a bond (wherein her name was) before the Commissaries of Edinburgh, did exhibit it, without prejudice of his lawful defences, wherefore it should not be delivered to her. In the mean time, she getting it up from the clerk to see, puts it in the register, and re-produces it registered. He having complained to the Commissaries, they ordained her, by their decret, to re-produce the principal bond; whereupon he raised letters, and charged her. She suspended, alleging it to be *factum impræstabile*. THE LORDS, seeing the bond could not be taken out of the register again, ordained it to have no more respect than if it had not been registered at all; and that she should have no advantage by the registering thereof.

Spottiswood, (REGISTRATION.) p. 272.

* * The next seems to be the same case with the above.

1628. *January 29.* GRAHAM *against* OLIPHANT.

No 12.

A BOND called for to be exhibited before the Commissaries of Edinburgh, at the instance of one pretending right thereto, who, after the exhibition, takes up the bond to see, and, in the mean time, gives in the same to the Register. The party producer summons the party uptaker to produce the bond unregistered. THE LORDS find the registration null.

Auchinleck, MS. p. 189.