

- No 15. pede the registration, *hoc attento*, That the cedent was out of the country, whose oath they sought only for delay, but was content it should be reserved against the execution. THE LORDS found the exception relevant.

*Spottiswood, (REGISTRATION.) p. 272.*

- No 16. 1629. December 2. MACKMICHAEL against Her SON.

May an interest in a deed still remain so as to insist that it be registered, although it has been delivered up?

KATHARINE MACKMICHAEL, relict of Robert Douglas, sought registration of a bond of 500 merks, granted by N. to her umquhile husband, and her, in liferent, and to James Douglas their son, after them. *Alleged* by her son and his tutor, That she could never seek to have the foresaid bond registered, *ad hunc effectum*, that she should have the annualrent thereof during her life; because the defender and his tutor having called her for to exhibit and deliver to them the whole bonds pertaining to her husband and him after his decease, she produced a number of bonds, and, among the rest, this of 500 merks, which was delivered to the defender with sundry others, she making no opposition against it at that time; by reason whereof, she could never be heard now to come back again, and seek the liferent of that bond, having prejudged herself by her omission at the first time. THE LORDS, nevertheless, thought it hard to seclude her from the benefit of liferent provided to her in the bond, because of the omission of her procurator or herself, being a woman; and therefore sustained the action.

*Spottiswood, (REGISTRATION.) p. 273.*

1630. December 30. RAMSAY against DURHAM.

- No 17. RAMSAY, daughter-in-law to James Durham of Pittarro, craves their contract of marriage to be registered; in which contract, the said James was obliged to provide the said pursuer to 600 merks during her lifetime, and 4000 merks to the heir of the marriage. It was *excepted*, That no registration could be granted at her instance, because he had fulfilled all the contract, so far as concerned her part thereof, and had obtained her discharge thereof; and as for her son's part thereof, it could not be registered at her instance, which the LORDS found relevant.

*Auchinleck, MS. p. 190.*