

REGISTRATION.

13559

equivalent to a reduction, since the father cannot be considered to have died *vestitus*, a null sasine being no sasine.

No 39.

THE LORDS delayed to give answer to the point, If the not booking imported a nullity of the sasine ; but found the suspender to fall under the exception of successors, as being an apparent heir, who had no disposition and infeftment from his father.

*Harcarse, (INFEFTMENT.) No 603. p. 167.*

1687. *June.*

The Lord SOUTHESK, Supplicant.

No 40.

THE LORDS allowed a principal bond that had been registered against the Lord Annandale after he was dead, to be got out of the register upon the delivering back the extract. Here it was not known if the bond was booked.

*Harcarse, (REGISTRATION.) No 834. p. 239.*

1688. *February.*

A. *against* B.

No 41.

A SASINE taken in Zetland being sent in a ship to be registered in the general register at Edinburgh, and the ship being driven to Norway by stress of weather, so as the sixty days were elapsed before she arrived at Leith ; application was made to the Lords for an order to mark and book the sasine within sixty days of the date.

THE LORDS ordained the sasine to be taken in, and marked of the date of the ingiving, seeing it might be preferable to infeftments posterior to the registration.

*Harcarse, (REGISTRATION.) No 835. p. 239.*

1692. *December 27.*

BROWN *against* PORTERFIELD of Comiston and OLIPHANT.

THE LORDS had found the Commissaries had committed no iniquity in sustaining Brown's adjudication ; for they found it was before the out-running of the year and day of the liferent-escheat, and so would be preferable to the donatar ; and that it needed no infeftment to give it preference, because it was within year and day of the first adjudication whereon infeftment had followed ; and so it came in *pari passu* with it, and had a share by communication of its infeftment ; and that their neglecting to allow and record it for the space of nine or ten years did not debar it of the foresaid privilege ; because the not recording, by the act 1661, did only give it a posteriority to others adjudging after it, but

No 42.

Effect of registration on the *pari passu* preference of adjudication.

The want of allowance is no nullity.