

after the 60 Days, Act of Regulation 1695 Art. 24. All Summons for interrupting Description of real Rights with their Executions, and all Instruments of Interruption, must be recorded in the same Manner as Seizins and Judgments within 60 Days after the Date of the Execution and Instrument; Otherwise such Interruptions are of no Force against Purchasers and singular Successors, but only against the Persons against whom the same are executed and Instruments taken. Act 19. Sept. 6. Par. 11. R. 2.

Other Rights must be registered in Order to same legal Effect and the Time of Registration is left to the Parties themselves. Whereof some are registered in Order to legal Execution and Diligence by Horning &c. By Virtue of a Clause of Registration therein inserted as follows in the &c. Which Clause of Registration for Execution runs thus: And for the more Security & Consent that these Presents be registrate in the Books of Council and Session or any other judicature competent, to have the Sign of a Decree of the Judges thereof incorporated thereto; That Letters of Horning on 6 Days and other Execution needful in Form as effects may pass thereupon. And for that Effect I constitute

A Clause in a Writ constituting to Registration in the Books of Session that all Execution might pass thereon in Form as effects, without the usual Writ that a Decree might be interposed thereto, was sustained as a sufficient Warrant for Horning 24 July 1713. Montgomery and his Lady contra. Warriner. Because a Decree is interposed by the Registration. Again a Writ bearing only a general Clause for registering it in any competent Register may be registered either in the Books of Session, or in the Register of any inferior Court where the Justice lives at the Time 20 June 1670 Scot contra Falconer and Doniston 20 July 1670 Morise contra Orrock. All Execution by Charge pointing or Arrestment is discharged to pass upon Writs registrate in any Town Court Books within Scotland; unless the Extract or Writ bear a special Warrant for that Effect, Act of Sedor 10 Decemb. 1713 20

Some Rights may be registrate in Order to legal Execution and Diligence by the Provision of Law, as Bills of Exchange Act 20. Par. 3. Ch. 2. Statutes containing irritant and resolutive Clauses must be judicially authorized by the Lords of Session and recorded in the Register of Teindries kept at Edinburgh, in Order to make them real and effectual, both against the Contravenor and his Heirs, and against their Creditors by Apprising or Judication or other Titles Act 22. Sept. 1. Par. 1. 7. Other Writs may be recorded when the Parties please for Preservation only, as being thought more secure in the public Archives than in the Custody or Chests of private Men, or for Conservation and Execution if needful by Virtue of a Clause of Registration. A Clause of Registration for Preservation only runs thus: I consent that these Presents be registrate in the Books of Council and Session,

The Statute of the 15th of King James VI. concerning the Register of the day month year of Scotland.

Session, or in any other judicature competent therein to remain for Preservation, or ad futurum rei memoriam, &c. in that Effect I constitute my Procs. A Writ bearing only constitutive

our Procs is not registrate for Execution, but only in Order to Information 27 July 1710 Coltone Erskine Supplicent. All Charters granted by subaltern Superiors before the 1st of July 1710 are registrate in the Books of Session, and after that Date on the Books of the Superior Court to which they belong. Act 7. Dec. 1710. All Charters granted by subaltern Superiors were allowed to bear a Clause of Registration in Order to be recorded only in the Books of Session Act 35. Sept. 4. Par. 11. R. 2. It is also provided by Subjects Bonds Contracts, and other Instruments, that Writs, may by the Description of them be recorded in any public Register competent altho they want a Clause of Registration. Act 4. Sept. 7. Par. 11. R. 2.

Where a Bond or other Writ is given to a proper Court, a Certificate or Extract is given out called a ^{Decree} ~~Extract~~ of Registration. The Clause in a Clause of Registration is filled with the Name of the Advocate or Procurator in that Court where the Writ is registrate, and the Extract mentions the Name of the ^{Advocate or Procurator} ~~Advocate or Procurator~~ who is authorized to do so in his Extract, altho his Advocate or Procurator do not subscribe their Consent. Act of Sedor 9. Decemb. 1670. If a Writ be recorded by Virtue of a Clause of Registration therein contained, and an Extract thereof given out, the Clerk of Court keeps the principal Writ for his Warrant. But where Writs are registrate by the Provision of Law, as Bills of Exchange and Writs for Tross, the Principals are given back with the Extracts. Which Extracts of principal Writs returned, make Faith in all Cases except in Improbation, as if they had been given by Virtue of a Clause of Registration. Act 4. Sept. 7. Par. 11. R. 2. vid. infra pag.

Tit. 7.

The Attestation of Rights.

The Attestation of a Right is the Subscription of the Party or Parties who make it and the Caution or Solemnity used for ascertaining that Subscription. ^{as in England} in England is a description of the day month year of our Lord. Date and Place are not necessary Essentials in a Writ, these not being mentioned in the Statute 1607 (Act 5. Par. 3. Ch. 2.) Thus a holograph Testament wanting Date and Place (20 January 1709) Doctor