1671. *February* 25. Anent the TRANSFERRING of APPRISINGS.

WHERE a man's name is borrowed to the leading of an apprising, the ordinary way is, that he grants a back-bond to the person for whose behoof it is, obliging him to dispone the apprising when it shall be led to him, with all that has followed or may follow thereupon. Though this be the common style, yet it proves oft inconvenient; for if the party entrusted die before he dispone, or the person for whose use it is, the back-bond must be tranferred either in the heir active or against the heir passive; and if the person intrusted his heir renounce, or let a decreet go against him as lawfully charged, then he must comprise or adjudge of new again; yea the trustee's creditors will come *in pari passu*, (they doing diligence,) as to the very lands to which he had but right in trust. And therefore it's only fit to take a formal disposition *per verba de presenti* to the comprising to be led at his instance and all that may follow thereupon, with an obligement to renew if required. (*Vide infra, February* 1676, *No.* 464; *item*, 1*st December*, 1671, *No.* 275; *item in November*, 1677, *No.* 647, § 2.) Neither will any object to me that a nonens cannot be assigned nor disponed; but such is a comprising not yet led; for they may as well say that a man cannot sell nor dispone a liferent, seeing it has no being but for the year current, and the subsequent years are not due unless the liferenter outlive the legal terms of the same; and yet there is nothing more ordinary than disponing of liferent rights. Neither does that clause, whereby I take him obliged to renew it if need be, prejudge, because a man who has a general assignation to a number of debts due to his cedent has right good enough to them by that general assignation, and yet he may take a special assignation to every one of them apart.

Advocates' MS. No. 154, *folio* 93.

1671. *February* 25. Anent The REGISTRATION of SEASINES.

JAMES STEWART alleging that though by act of Parliament 1617, seasines must be registrate within sixty days after they are given, yet the intention of it was no other but that it might be registrate thereafter, and that such a seasine would stand good against any other right posterior to the date of its registration, though the sixty days were not precisely kept. Sir G. Lockhart represented the vanity of this, seeing the lawgiver by prefixing that space of sixty days, hath had an eye and special regard to the convenience of the lieges, that they might not be put to an irrational and uncertain inquiry after incumbrances upon men's lands, anent which they intend a bargain; so that when I have suspicion of any infeftment given about such a time, I have no more to do but to look by the space of sixty days after its date, and if I find it not within that time, then the law makes me secure in so far as I need to take no notice of it. Whence ariseth another question, whether a seasine though not registrate, will be valid to debar me who acquire a posterior right in these lands, if I know of your right before I purchased my own? It seems that it should be good enough against me, seeing the law has