

REGISTRATION.

43551

that the clerks do not fail to registrate the same, and if they do not book them, it ought to be imputed to them, and not to the party. *In presentia.* No 28.

For the Sasine, *Sir David Falconer.* Alt. *Seaton.* Clerk, *Hay.*
Dirleton, No 348. p. 166.

* * * See Thomson against M^rKittrick, No 12. p. 6892, *voce* INFEMENT.

1672. November 29. MAXTON against CUNINGHAM.

No 29.

CERTAIN tenements in Edinburgh being apprising from John Ker, first by William Cuninghame, and thereafter by Sarah Maxton; in the competition betwixt them, it was *alleged* by Maxton, That she ought to be preferred, because her apprising was allowed conform to the act of Parliament, and Cuninghame's apprising (though prior) was not allowed, and so null. It was *answered*. That the not allowance does not infer a nullity, but only hinders the preference of the first apprising to a posterior apprising first allowed; so that all that can be thence concluded is, that neither apprising should be preferred, but that both should come in *pari passu*.

THE LORDS found both the apprisings to come in *pari passu*.

Stair, v. 2. p. 123.

* * * See 17th July 1668, Stewart against Murray, No 80. p. 8384.,
voce LITIGIOUS.

1673. June 12. FAA against LD. POWRIE.

No 30.

A SUPERIOR's sasine, though not registered, was found a good title in a declarator of non-entry against the vassal, who did pretend no right to the superiority.

Eol. Dic. v. 2. p. 331. Stair.

* * * This case is No 25. p. 9307, *voce* NONENTRY.

* * * Such a sasine was sustained as an active title in a reduction and improbation, 14th November 1678, Dalmahoy against Ainslie,
No 8. p. 5170., *voce* GROUNDS and WARRANTS.

1675. July 20. DUNIPAGE against OLIVESTOE.

THERE being certain lands given in wadset by the heritor, and the reversion contained in the right of wadset, which wadset was thereafter denounced, and

No 31.
A private discharge of a renoucia-