

1678. *November 26.*LORD CARDROSS *against* SIR JOHN FOWLIS, Keeper of the General Register of Sasines.

No 34.

THE LORDS refused, on a bill, to allow the Keeper to put in Cardross' sasine of my Lord Kincardine's estate, before those which are booked already; but ordained him to raise a summons for that effect, and to call thereto all creditors that have got posterior infestments, to hear and see his sasine registered of the date it was given in.

Fol. Dic. v. 2. p. 332. Fountainhall, MS.

1681. *January 6.* BRUCE *against* HEPBURN.

No 35.

A discharge of a clause in a bond, whereby a sum was lent by a father, and taken to the son in fee, with power to the father, during his lifetime, to dispo-
ne, and on which bond, infestment followed, was found not to require registration.

MARY BRUCE being provided to a sum due by a bond granted by Sir James Keith, to umquhile Dugald M'Pherson and his Spouse in-liferent, and to John M'Pherson their son in fee, containing a clause with power to Dugald to uplift and dispose of the sum during his life, at his pleasure; upon this bond there was infestment of annualrent; and Mary Bruce, relict of John M'Pherson, pursuing thereupon, compearance was made for Patrick Hepburn, who produced a disposition of this right from Dugald M'Pherson, and craved preference in respect of the clause in the bond, whereby Dugald had power to dispo-
ne. It was *answered*, That there is a discharge produced by Dugald in favours of John his son of that clause prior to Patrick's disposition. It was *replied*, *Non relevat*, unless the discharge had been registrated in the register of sasines and reversions, for this clause being an infestment, it could be no otherways evacuated against singular successors, but by registration in the register of sasines. It was *duplicated*, That the act of Parliament for registration of sasines and reversions, is only extended to bonds for reversions and discharges thereof, and assignments thereto; but this is only a personal provision, therefore it may be discharged effectually, without registration; likeas it was registrated in the ordinary register, and was granted before Mary Bruce was married to M'Pherson.

THE LORDS sustained the discharge, and found no necessity of registration thereof.

Fol. Dic. v. 2. p. 330. Stair, v. 2. p. 826.

* * * Fountainhall reports other particulars of this case:

1681. *February 10.*—DOUGAL M'PHERSON dispensed the fee of his estate to his son, with a faculty to alter. Thereafter he dispo-
nes these lands to Black-Castle for onerous causes; upon which Patrick seeks reduction of the son's right. *Alleged, imo*, He had a discharge of the faculty from his father before.