

No 54.

in all the register-books, &c. Upon this act the Lord-register obtained a warrant from the Lords of Session against the Directors and Clerks of Chancery, of which they afterwards obtained suspension, it not being made out that the records of chancery were in use to be delivered in to the general register. See REGISTER. *Fol. Dic. v. 2. p. 333.*

No 55.

1738. November 20. EARL of SELKIRK *against* Mr GEORGE BUCHAN.

A complaint, upon act 33d Parliament 1685, being given in by the Clerk-Register against Mr Buchan, clerk to the commission of teinds, for neglecting to give in his records; the LORDS found Mr Buchan intitled to keep his records, in virtue of an express clause contained in his commission, but prejudice to the Clerk-Register to order him to preserve them in proper places of safety, as he should see cause. Two things appeared plain, *first*, That the case did not fall under the statue, in respect the records of the commission had never been in use to be delivered to the Clerk-register; *2do*, That supposing the Clerk-register had right to call in these records, it was in his power to grant commissions during life, such as Mr Buchan's is, though to the prejudice of his successors in office. See APPENDIX. See REGISTER.

Fol. Dic. v. 2. p. 333.

1745. February 21. The EARL of BREADALBANE Supplicant.

No 56.
A defect in
the record of
the Great
Seal supplied.

THE Earl of Breadalbane gave in a petition, shewing, That King Charles II. had granted to his father a patent of the honours of Earl of Breadalbane, &c. which patent bore on the back, to have been written to the Great Seal, and registered 18th August 1681, and sealed the last day of August that year; that the petitioner, wanting to take an extract of his patent, applied to the Officers of Chancery, who informed him, that it was not filled up in the register, but a blank left therefor: And upon this he applied to the Lords of Session for a warrant to the director of the Chancery, and his Deputies, to grant him an extract, and offered to furnish them with the principal patent to enable them to do it.

THE LORDS having considered the petition, with the patent produced, attested by the proper officers to have been written to the Great Seal, and registered the 18th day of August 1681 years, and sealed at Edinburgh the last day of August of the said year, granted warrant to, and ordained the Director of Chancery, and his Deputies, to register the said patent, of the date of the attestation of the former officers, and that in the blank left in the books of Chancery of that date, where the said patent might be recorded; and ordained the said

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Director and his officers to give the petitioner an authentic extract thereof, with the present deliverance, for doing whereof that should be their warrant.

No 56.

Pet. Ch. Campbell.

Clerk, *Forbes.*

D. Falconer, v. I. p. 81.

1749. ———.

EARL of GLENCAIRN, Petitioner.

No 57.

WHERE a discharge and renunciation had been omitted to be registered in the register of sasines within the time limited by act of Parliament, the LORDS granted warrant to the keepers of the general register of sasines, to receive and record the same; after a report from the clerk, to whom it was remitted to look for precedents, that the like had been done in a former case.

Fol. Dic. v. 4. p. 221. Kilkerran, (REGISTRATION.) No. 1. p. 478.

1749. December 20.

YOUNG, Petitioner.

No 58.

WHERE a sasine taken on the 9th of July 1734, had been presented to the deceased John Neilson of Chapel, keeper of the Register of Sasines for the Shire of Dumfries, and by him registered in the 330th leaf of the 11th book of the particular register of sasines kept for the said shire, upon the 30th July 1734, but that he had omitted to sign the certificate of the registration on the back of the sasine, William Young the party interested, applied to the Lords for a warrant to the keeper of the register to sign the attestation.

The remedy where the keeper of the Register of Sasines has omitted to sign the certificate of registration on the back of the sasine.

THE LORDS remitted to one of their clerks to look into a former case of the like kind, and to report the state of it; and upon his report, that such warrant had in that case been granted, the like was also in this case given.

The like warrant was given February 16. 1750, with respect to another sasine in that same register, Herries Petitioners.

Fol. Dic. v. 4. p. 222. Kilkerran, (REGISTRATION.) No. 2. p. 478.

1750. November 15.

BALLANTYNE and others, Petitioners.

No 59.

The petitioners having been lately infest by the Bailies of the burgh of Lanark in certain tenements, holding burgage of the said burgh, to which infestments the now deceased Richard Dick, the town-clerk, was notary, represented that though there were several sasines, extended and signed, and inserted in the Register of Sasines, yet, by the death of the said Richard Dick, keeper of the register, in July last, the attestations on the back of the sasines, certifying the registration and leaves of the register in which they are inserted,

The same subject.