

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. XXXIII.

An Act to amend and regulate the Law of *Scotland* as to Erasures in Instruments of Sasine and of Resignation ad remanentiam.

[14th *July* 1836.]

WHEREAS an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and seventeen, intituled *Anent the Registration of Reversions, Seisins, and other Writs*, for the Purpose of establishing certain Public Registers, in which the various Sorts of Writings affecting Heritable Property therein enumerated or referred were to be made patent to the Lieges; and by Two other Acts of the Parliament of *Scotland* passed in the Year One thousand six hundred and sixty-nine and One thousand six hundred and eighty-one the Provisions in the foresaid Act are extended to Instruments of Resignation ad remanentiam, and to Writs affecting Heritable Property within Royal Burghs: And whereas various Questions have arisen as to the Validity of Instruments of Sasine and Resignation ad remanentiam recorded in such Registers, founded on alleged Erasures in the said Instruments not patent to the Lieges nor appearing on the Record thereof, whereby a Want of Confidence in the Security of the Land Rights of *Scotland* has been produced which ought to be removed: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, 1617. 16.

No Challenge of Instruments of Sasine or Registration ad remanentiam on account of Erasures.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Challenge of any Instrument of Sasine or Resignation ad remanentiam shall hereafter receive Effect, either by Reduction or Exception, on the Ground that any Part of the said Instrument is written on an Erasure, unless it shall be averred and proved that such Erasure had been made for the Purpose of Fraud, or the Record thereof is not conformable to the Instrument as presented for Registration: Provided always, that nothing herein contained shall affect any Judgment pronounced before the Twelfth Day of *May* in the Year One thousand eight hundred and thirty-five, but that all Parties who before the said Twelfth Day of *May* in the Year One thousand eight hundred and thirty-five shall have objected judicially to the Validity of any such Instrument or Instruments, on the Ground of Erasure in any Suit in which Judgment was not pronounced on or before the said Twelfth Day of *May* One thousand eight hundred and thirty-five, shall be entitled to such Costs as the Court of Session in its Discretion shall think fit to direct: Provided also, that nothing herein contained shall extend or be construed to extend to Instruments of Sasine or Resignation and Sasine propriis manibus; provided also, that where any Feudal Title of Property or Title in Security has been completed in order to remedy or supply Defects arising from Erasures in Instruments of Sasine, the Validity of the said Titles shall not be affected by any thing herein contained.

Certain Judgments and Titles not to be affected.

Act may be altered this Session.

II. And be it enacted, That this Act may be altered, amended, or repealed by any Act to be passed during the present Session of Parliament.

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