purchases such goods, or makes advances upon the faith or security of such goods or documents.

With respect to vendors permitted to retain documents of title to goods.

3. Where any goods have been sold, and the vendor or any person on his behalf continues or is in possession of the documents of title thereto, any sale, pledge, or other disposition of the goods or documents made by such vendor or any person or agent entrusted by the vendor with the goods or documents within the meaning of the principal Acts as amended by this Act so continuing or being in possession, shall be as valid and effectual as if such vendor or person were an agent or person entrusted by the vendee with the goods or documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice that the goods have been previously sold.

With respect to vendees permitted to have possession of documents of title to goods.

4. Where any goods have been sold or contracted to be sold, and the vendee, or any person on his behalf, obtains the possession of the documents of title thereto from the vendor or his agents, any sale, pledge, or disposition of such goods or documents by such vendee so in possession or by any other person or agent entrusted by the vendee with the documents within the meaning of the principal Acts as amended by this Act shall be as valid and effectual as if such vendee or other person were an agent or person entrusted by the vendor with the documents within the meaning of the principal Acts as amended by this Act, provided the person to whom the sale, pledge, or other disposition is made has not notice of any lien or other right of the vendor in respect of the goods.

With respect to transfers of documents of title.

5. Where any document of title to goods has been lawfully indorsed or otherwise transferred to any person as a vendee or owner of the goods, and such person transfers such document by indorsement (or by delivery where the document is by custom, or by its express terms transferable by delivery, or makes the goods deliverable to the bearer) to a person who takes the same bonâ fide and for valuable consideration, the last-mentioned transfer shall have the same effect for defeating any vendor's lien or right of stoppage in transitu as the transfer of a bill of lading has for defeating the right of stoppage in transitu.

Act not to be retrospective.

6. This Act shall apply only to acts done and rights acquired after the passing of this Act.

CHAPTER 40.

An Act to amend the Form of Warrant of Execution on certain Extracts of Writs registered in the Books of Council and Session and Sheriff Court Books in Scotland; and to provide for the Authentication of certain Extracts of Writs. [10th August 1877.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extracts of writs registered in Books of Council and Session to have, in certain cases, warrant for execution.

Form of warrant of execution inserted in extracts of all protests, &c.

1. In all extracts of writs, deeds, or other documents which contain a clause of registration for preservation and execution, and which are registered in the register of deeds and probative writs and protests in the Books of Council and Session in Scotland, the keeper or assistant keeper of the said register shall insert a warrant for execution in the form, or as nearly as may be in the form, of the Schedule to this Act annexed.

The warrants for execution inserted in the extracts of all protests of bills, promissory notes or bankers notes, or certificates of judgment registered for execution under the Judgments Extension Act, 1868, shall be as nearly as may be in the form of the said Schedule to this Act annexed.

Extracts of writs registered

2. In all extracts of writs, deeds, or other documents which contain a clause of registration for preservation and execution, and which are registered in the Sheriff Court Books of

in Sheriff Court Books to have warrant of execution in certain cases.

any county in Scotland, and in all extracts of protests of bills, promissory notes, or bankers notes registered in the Sheriff Court Books, the sheriff clerk shall insert a warrant of execution in the form, or as nearly as may be in the form, of the Schedule to this Act annexed.

Competent to arrest, charge, and poind by virtue of the extract, with warrant for execution thereon.

3. It shall be lawful by virtue of the warrant inserted in any extract under the provisions of the two preceding sections, to arrest the readiest goods, debts, and sums of money of the debtor or obligant mentioned in such extract, in payment and satisfaction of the sum or sums of money or obligation or obligations therein specified, as also to charge the debtor or obligant therein mentioned to pay the sum or sums of money or to perform the obligation or obligations therein specified within the appropriate days of charge, under the pain of poinding and imprisonment, so far as competent, the terms of payment or implement being first come and byegone, and if he fail to obey the said charge, then, so far as competent, to apprize, poind, and distrain all his readiest goods, gear, and other effects, in payment and satisfaction of the said sum or sums or obligation or obligations, and if necessary for effecting said poinding to open shut and lockfast places.

Warrants of execution unchallengeable on certain grounds.

4. It shall not be competent to challenge the validity of extracts of writs, deeds, or other documents, or of extracts of protests of bills, promissory notes or bankers notes, or certificates of judgment as aforesaid, registered in the Books of Council and Session, or in the Sheriff Court Books, containing warrants of execution, and issued prior to the commencement of this Act from the offices of the register of deeds and probative writs and protests in the Books of Council and Session, or of sheriff clerks respectively, on the ground that the forms of such warrants are not in conformity with those prescribed by the Act passed in the first and second years of the reign of Her Majesty Queen Victoria, chapter one hundred and fourteen.

Extracts of deeds registered in the Books of Council and Session, and Register of Sasines, to be authenticated.

5. Extracts of all writs, deeds, or other documents of what nature soever, which may be registered in the Books of Council and Session, shall be equivalent to the registered writs, deeds, or other documents themselves, except where any writ, deed, or other document so registered shall be offered to be improven, and such extracts shall be signed on the last page thereof, by the keeper or assistant keeper of the register of deeds and probative writs and protests in the Books of Council and Session; and extracts of all writs registered in and issued from the office of the General Register of Sasines shall be signed, on the last page thereof, by the keeper of the said register, or by a deputy duly commissioned by him to that effect, and no further signature on any other page of such extracts shall be necessary. But each sheet of all such extracts shall be impressed with an office seal or stamp to be kept in the respective offices of the said keepers; provided that it shall be necessary and sufficient in the case of marginal additions occurring in any extract that the same shall be authenticated by the signature of the officer certifying such extract.

Writs registered in the Register of Sasines for preservation only may afterwards be registered for preservation and execution.

6. Where any writ containing in gremio thereof a procuratory or clause of registration for preservation and execution shall have been registered in the General Register of Sasines upon a warrant of registration for preservation but not for execution, it shall be competent to present for registration in the said register an extract of such registered writ having a warrant of registration written thereon, bearing that such extract is to be registered for preservation and execution; and it shall be lawful to register such extract accordingly, and to issue one or more extracts thereof, with warrant of execution in terms (mutatis mutandis) of Schedule B. annexed to the Land Registers (Scotland) Act, 1868, and every such warrant of execution shall have all the like force and effect as any warrant of execution issued in terms of the twelfth section of the said last-mentioned Act; and in making such subsequent registration it shall not be necessary to engross ad longum in the said register the extract so presented, but the registration thereof may be effected by the insertion of a memorandum of such extract in the appropriate division or divisions of said register, setting forth the volume of the register, and the folio or folios of such volume in which said original writ is engrossed, and the insertion of such memorandum shall be deemed equivalent to the full engrossment in the division or divisions

of the register in which such memorandum shall be entered as aforesaid of the extract so presented for registration.

7. Whereas, in terms of the twelfth section of the Act passed in the forty-ninth year of the reign of His Majesty King George the Third, chapter forty-two, the volumes of records of the Books of Council and Session are, along with the warrants thereof, periodically transmitted by the keeper of the register of deeds and probative writs and protests in the Books of Council and Session, to the Lord Clerk Register or his deputies; be it enacted, that the deputy keeper of the records or any officer holding a commission to that effect from the Lord Clerk Register may, at any time, issue extracts of one or more of any writ, deed, or other document registered in said volumes of records transmitted as aforesaid, in the same or in a similar form to the extracts of such writs, deeds, or other documents which might have been issued previous to such transmission. And all such extracts and the warrants of execution therein contained shall have all the like force and effect as any extract from the Books of Council and Session, made and issued previous to such transmission, or as any warrant of execution contained in or appended to such extract; and in all extracts issued as aforesaid, and also in all extracts issued of writs contained in any record in the custody of the Lord Clerk Register, it shall be sufficient that the last page thereof shall be signed by the said deputy keeper of the records or by any officer duly commissioned by the Lord Clerk Register to that effect, and no further signature on any other page of such extracts shall be necessary, but each sheet of all such extracts shall be impressed with an office seal or stamp to be kept in the office of the Lord Clerk Register; provided that it shall be necessary and sufficient in the case of marginal additions occurring in any such extract that the same shall be authenticated by the signature of the officer certifying such extract.

After transmission of volumes of records of Books of Council and Session to the Lord Clerk Register, the deputy keeper of records may issue extracts of any deeds recorded in said volumes, and authenticate the same as well as other extracts.

8. This Act shall take effect from and after the first day of October one thousand eight hundred and seventy-seven, and shall apply to Scotland only.

Commencement and extent of Act.

SCHEDULE.

At the day of One thousand eight hundred and , the deed herein-after engrossed was presented for registration in the Books of the Lords of Council and Session (*or* Sheriff Court Books of the county of) for preservation (*or* for preservation and execution), and is registered in the said books as follows:—

(*Insert full copy of the deed; and where the deed is registered for execution, insert warrant for execution as follows*):—

And the said Lords grant (*or* the Sheriff grants, *as the case may be*) warrant for all lawful execution hereon.

Extracted, *&c.*

CHAPTER 41.

An Act for making Provision with respect to the Preparation and Authentication of Commissions and other Documents issued from the Office of the Clerk of the Crown in Chancery; and for other purposes.

[10th August 1877.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as the Crown Office Act, 1877.

Short title of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-eight, which day is in this Act referred to as the commencement of this Act.

Commencement of Act.