ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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C A P. XXXIV.

An Act to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in *Scotland*. [25th *June* 1868.]

WHEREAS by an Act of the First Parliament of His Majesty King *James* the Seventh, held at *Edinburgh* in the Year One thousand six hundred and eighty-five, intituled *Act concerning the Registration of Writs in the Books of Session*, certain Provisions were made as to the registering and extracting of Writs registered in the Books of Council and Session, and for the better securing of the Leiges and Preservation of Principal Writs, and it was by the said Act statute and ordained, *inter alia*, "that there shall be Two Minute Books kept in every "Office, in the one whereof there shall be set down the Title "of Writs given in to be registrate, the Name of the Giver-in, "and the Date of the ingiving, which is to be subscribed by the "Clerk or his Substitute foresaid; and all Writs so given in shall "be booked within the Space of One Year after the ingiving; and "if any Party, or one employed by him, shall desire up a Writ "given in within the Space of Six Months after its ingiving, then "the Title of the Writ, the Name of the Party, and the Date of "both ingiving and outgiving of the said Writ, shall be insert

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" in the other Minute Book, and be subscribed by the Receiver " thereof, that as the one Minute Book doth charge, so the other " Minute Book may discharge, the Clerk of such Writs, and that " no Writ given in shall be taken out after the same is booked :"

And whereas the giving up of Writs to the Parties or others employed by them after the same have been given in to be registered in the Books of Council and Session has caused Inconvenience, and has been found to interfere with the due and regular booking of the Writs; and it is expedient, and will tend to greater Regularity and Security, that Writs, after having been given in to be registered in the Books of Council and Session, should not be given up, but should remain in the Custody of the Keepers of the Registers, subject to the Authority and Control of the Lords of Council and Session, before being booked, in like Manner as after being booked:

Be it therefore 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:

Writs given in to be registered in the Books of Council and Session not to be given out.

1. From and after the passing of this Act no Writ that shall have been given in to be registered in the Books of Council and Session shall be taken out by the Party or any one employed by him, nor shall any such Writ be given up by the Keepers of the Register for any Purpose at any Time, either before or after the same has been booked, excepting only when Authority of the Lords of Council and Session has been expressly given thereto, and then only under such Conditions and Limitations as may be expressed in such Authority, anything in the said recited Act or in any other Act or any Law or Custom to the contrary notwithstanding.

Writs registered as Probative Writs not to be given back.

2. And whereas by an Act of the First Parliament of His Majesty King *William*, held at *Edinburgh* in the Year One thousand six hundred and ninety-eight, intituled *Act concerning Registration of Probative Writs*, on the Preamble that " it " will be of great Ease and Advantage to the Leiges that Pro- " bative Writs be allowed to be registrate, albeit they want a " Clause of Registration," it was statute and ordained, " that it " shall be lawful and liesome to registrate for Conservation all " Charters granted by Subjects, Dispositions, Bonds, Contracts, " Tacks, Reversions, and all other Probative Writs in any public " authentic Register that is competent, albeit the said Writs want " a Clause of Registration, and the Principal to be given back to " the Party, and the Extract to make entire Faith in all Cases, in " the same Manner as if the said Writs had been registrate by

" virtue

" virtue of a Clause of Registration, except in the Case of Improba-
" tions:" And whereas the giving back of the Principal Writs impairs the Utility of the Registers of Probative Writs as Registers for Conservation, and has been found to be of evil Consequence, affording Facility for Fraud and for obstructing the Course of Justice: Be it therefore enacted, That no Probative Writ given in to be registered in any Register under Authority of the said last-recited Act shall be given back to the Party, but all such Writs shall remain in the Custody of the Keepers of the Registers in like Manner and subject to the like Control as any Writ given in to be registered in virtue of a Clause of Registration therein contained, anything in the said last-recited Act or any other Act or any Law or Custom to the contrary notwithstanding. And where it is by any Act, or by the Rules of any Corporation or Trade, provided that an Indenture of Apprenticeship, with a Certificate of Service endorsed thereon, may be received as Evidence of such Apprenticeship having been duly served, an Extract of such Indenture duly recorded in the Register of Probative Writs, with a Certificate of Service endorsed on such Extract, may be received as Evidence of such Apprenticeship having been duly served.

Extracts of Indentures of Apprenticeship may be received in Evidence.

3. All Extracts issued after the Date of the passing of this Act from the Books of Council and Session, or of any Sheriff Court, or of any Register of Probative Writs, shall have upon them, in such Form as may from Time to Time be prescribed by the Lord Clerk Register, a Certificate or Marking indicating the cumulo Amount of Stamp Duty paid on the Principal Writ recorded and retained for Preservation.

Extracts to bear Certificate of Stamp Duty.

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