

as are within year and day of the first effectual apprising; for, at that rate, the apprising first allowed should be preferred, even to those within year and day, contrary to the provision in the 62d act. So that, to take these acts in consistency, the last relates to adjudications within year and day, the first to all others.

No 52

*Replied,* The act bringing in appraisers *pari passu*, does not indeed specify, that the appraisings must be recorded; neither does it specify any other formality: But, certainly, when appraisers within year and day, are brought in *pari passu*, the act can be understood of such only as have all the solemnities and formalities required by law: And in this way, the acts are perfectly consistent. That this was the meaning of the Legislature, will appear, because otherwise the record of the abbreviates would be of no use; for if appraisings need not be recorded, to give them the benefit of the act 62. an apprising led thirty or forty years before the first effectual one, must come in *pari passu* with it: A purchaser then can have no security, by looking to the record of abbreviates; he must turn over the whole records of the Court of Session for forty or fifty years, together with the register of interruptions; for otherwise he can know nothing of many adjudications, which will come in *pari passu* with the first effectual one, though he sees nothing about them in the record of abbreviates. To what purpose then would that record signify?

“ THE LORDS found, That the adjudication, whereof the abbreviate is not duly recorded, in terms of the act 31st Parliament 1661, though led within year and day of the other adjudication, whereof the abbreviate is duly recorded, cannot be brought in *pari passu* with it.”

*Fol. Dic. v. 2. p. 332. Rem. Dec. v. 1. No 88. p. 177.*

1732. *January.*

STIRLING against JAMIESON.

INHIBITION must be published at the market-cross of the regality within which the debtor dwells; and it will not supply this defect, that it be published at the head burgh of the shire. It must also be registered in the books belonging to the same jurisdiction, or else in the general register. See APPENDIX.

No 53.

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

1732. *February.*

LORD REGISTER against DIRECTORS and CLERKS of CHANCERY.

By act 33d Parliament 1685, it is ordained, That all clerks within the kingdom, who keep such registers as are or have been in use to be delivered to the Clerk-Register, to be preserved in his Majesty's general register-house, do give

No 54.