



Subscription of Deeds Act 1681

1681 CHAPTER 5

Act concerning probative witnesses in writs and Executions

Modifications etc. (not altering text)

- C1 Short title “The Subscription of Deeds Act 1681” given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 2](#)
- C2 This Act is listed in 12mo edition as [1681 c. 5](#).

Our Sovereigne Lord Considering that by the Custome introduced when writing was not so ordinary Witnesses insert in Writes although not subscribing are probative witnesses And by their forgetfulnes may easily dissonne ther being witnesses For remeid whereof His Majestie with advice and Consent of the Estates of Parliament Doeth enact and Declare that only subscribing Witnesses in writes to be subscribed by any partie hereafter shall be probative and not the witnesses insert not Subscribing And that all such writes to be subscribed heirafter wherein the Writer and witnesses are not designed shall be null And are not supplyable by condescending vpon the Writer or the designation of the writer and Witnesses And it is farder Statute and Declared that no witnes shall subscribe as witnes to any parties subscription Unles he then know that party and saw him Subscribe or saw or heard him give Warrant to a Nottar or Nottars to subscribe for him And in evidence thereof touch the Notars pen Or that the party did at the time of the witnesses subscribing acknowledge his subscription Otherways the saids witnesses shall be repute and punished as accessorie to forgerie And Seing Writting is now so ordinary His Majesty with consent foirsaid Doeth enact and Declare that no witnesses But subscribing witnesses shall be probative in Instruments of Sasine Instruments of Resignation Ad remanentiam Instruments of Intimation of Assignations Translations or Retrocessions to Bands Contracts or other writs which shall happen to be subscribed in any tyme heirafter And that none but subscribing witnesses shall be probative in Executions of Messingers of Inhibitions of Interdictions . . . ^{F1} or Arrestments And that no Execution whatsoever to be given hereafter shall be sufficient to inferr Interruption of Prescription in real Rights Unles the same be done before witnesses present at the doing thereof subscribing And that in all the saids caices The witnesses be designed in the body of the write Instrument or Execution respective Otherways the same shall be null and void And make no faith in Judgment nor outwith

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Subscription of Deeds Act 1681 (repealed). (See end of Document for details)

Textual Amendments

F1 Word repealed by [Debtors \(Scotland\) Act 1987 \(c. 18, SIF 45:2\)](#), s.108, **Sch. 8**.

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