

to the other's Predecessor 20 June 1672 Merzies contra L. Glenirchig.
 Where the Superiority falls by Succession to several Persons, as to Heirs
 male; the Vassal's Heir is not bound to take Infeftment from them severally
 but either from all jointly, or from the oldest by her Prerogative of Birth
 which carries indivisible Rights 30 July 1678 Lady Luff's contra J. J. J.
 Luna ex persona Ræcedum non immutatur conditio Obligatio, nec
 rior aliquid conditio efficitur l. 2. §. 2. ff. de verb. Oblig. l. 2. §. 2. ff.
 stipul. Prator. l. 5. §. 6. in fin. ff. de cond. et demon. And a pair of many
 singular Successors acquire the Superiority by Adjudication Appropria-
 or otherwise, the Vassal may take Infeftment only from him who has
 the greatest Interest Hair Lib. 2. Tit. 7. §. 17.

4. A Superior is not obliged to receive the Vassal's singular Successor
 by Resignation or by Confirmation, tho' offering a Year's Rent for Entry
 unless the Superior be forced to it by a Charge upon an Adjudication
 Hair Lib. 2. Tit. 9. §. 5. in fin. Tit. 9. §. 6. Verò the Cause of this Confusion
 For obviating which Inconvenience the Lord Hair (Verò Verò Secung ten
 Superior) conceived it advisable, that Letters of Homing were allowed
 Law against any Superior for entering the Receiver of an absolute Dis-
 position from the Vassal, upon Payment of a Year's Rent of the Price
 and the Receiver of a redeemable Disposition at a Wasset or Annua-
 rent, upon Payment of half a Year's Rent of the Price, where of the
 other half should be paid how soon the Redemption became extinct.
 Superior's Acceptance from his Vassal of Resignation in favour of a
 not divest the former Vassal, or make the subsequent casualties of Su-
 periority to arise from the designed Vassal's Death or Deeds till he is
 infefted. For it imports only a personal Obligation upon the Superior
 to infeft the Person in whose ^{Resignation} Resignation was accepted, and
 upon him to take Infeftment 19. Novemb. 1677 Pirvess contra Stra-
 chan.

5. But a Superior is bound either to receive an Apprieff or Adjudger
 as his Vassal, upon Offer of a Charter to be subscribed by the Superior
 with a Year's Rent; or to pay the Debt and take the Land to himself
 Act. 37. Par. 5. §. 3. Act. 6. Par. 23. §. 6. junct. Act. 18. Par. 2. Sept. 3. A.
 2. least thro' the Superior's collusion with his Vassal, their Breach
 should be disappointed. A Year's Rent is understood to be offered, by
 forming a Bond and Caution, to pay what more the Lords should modify
 for a Year's Rent 9 Feb. 1669 contra French. If the Super-
 or chafe to pay the Debt, the Debtor redeeming is not obliged to give him
 a Year's Rent. The Superior seems then in the same Case as if he had ap-
 propriated or adjudged himself; and such a Competitum allowed only by
 Law to the Superior when forced to change his Vassal Stewart's Maxims
 to Direct Debit §. 1. Comprising. When the Superior is not willing to
 redeem, he is not obliged to enter any Adjudger whatsoever (whether it be
 an Adjudication for a liquid Debt, or on a cognitional Cause against
 an

an apparent Heir renouncing, or in an Adjudication in Implement
 unless the Adjudger pay him a Year's Rent. The Lords have always
 taken a Latitude in modifying the Year's Rent to be paid to him for
 Entry; especially if the Sum apprieff or adjudged for is small, and the
 Lands great. But now when one only of several Adjudgers or Apprieffers within
 Year and Day need to be infeft, and one Composition or Year's Rent serve for all,
 and he who advanced the same has the Relief of the rest before they have Relief to
 the Rents, there seems to be less Reason for modifying the Year's Rent as they
 Hair Lib. 2. Tit. 9. §. 32. Custom hath obliged the Superior to receive a Man
 and his Wife upon their Redjudication of Lands or other hereditary Rights to
 them in conjunct Fee: Albeit this Casuality be thereby abated during the
 Lives of two Persons Hair Lib. 2. Tit. 9. §. 11. Verò cannot Infeftment.
 It was a long time a Question undetermined with us whether a Superior is
 obliged to receive a Composition upon an Apprieff or Redjudication for his
 Vassal? Hair Lib. 2. Tit. 9. §. 11. Verò and the Law Hair Lib. 2. Tit. 9. §. 11. Verò
 that he is not. Because there is no Community, and he is not bound to receive
 of the Casualties of Homage, at least to receive a Man from the Death or
 Delinquency of a private Vassal; and it was not a Man's duty to receive
 a Superior without his own Consent by the usual Law of his Vassal. Hair
 Lib. 2. Tit. 9. §. 11. Verò however proposes an expedient of qualifying the Charter by
 inserting in it the Name of some interposed Trustee, by whom and his Heir
 the Casualties might be determined. But this Expedient is liable to the following
 Inconveniences and Objections. 1. There being no Law for appointing such a
 Trustee, it could not be done judicially without Consent of Parties 2. His
 Doubt, if the Expedient would answer the Design. For the interposed Per-
 son and his Successors being to be liable in the first Place, and left to seek
 their Relief from the Society, one would hardly be found to undertake
 such a tedious Inconvenience upon him and his Posterity; and it might
 be inconvenient to the Community to oblige the interposed Person's
 Heir to serve and enter and grant Procuratorys for that End, who
 might possibly prove backward to do that, tho' upon the Charge of others,
 whereby they could expect no Profit. Besides the Fee might come to be
 forfeited thro' the Delinquency of the Trustee; and so the Cure prove worse
 than the Disease. However an University who acquired Right to an Ad-
 judication of Lands for Debt exceeding the Value thereof, having charged
 the Superior who was in Possession by a Declarator of Nonentry, to enter
 them, and offered him a Charter with a Year's Rent, and upon his Refu-
 sal pursued Mails and Dutys against the Tenant. The Lords found the Su-
 perior obliged either to enter the University, or pay the Debt due to them to
 the Value of the Lands adjudged, as the Value should be determined by
 their Lordships upon a Proof thereof; and that the University be bound to
 trans-