

of the Eschequer to take an Appriser entering within the Legal bounds, he became the King's Vassal and liable to the Casualties of the Holders. But yet the Casualty of Marriage was found due by the Death of an Appriser within the Legal, his Apprising not being then extinct, and his Heir marriageable 20 July 1600 Kings Advocate contra Yeoman. 2. Whatever be as to the Casualties of Ward and Marriage, which do not extinguish the Feud, but are only ~~discharge~~ <sup>discharge</sup> upon it arising from the condition of the Person of Vassals. Yet Recognition <sup>perhaps the Feud</sup> which makes it return to the Superior, is incurred by the Deeds of the Reverter, and not of the Appriser during the course of the Legal 15 July 1707 Tristram of Dinglaskie contra Gordon. Because the Fee can never be extinguished by the Deed of a Party having only a security as an Appriser during the Legal is: And all the Character properly remain in the Reverter, with the Burden of that Security, if he may possess, remove Tenants, receive Vassals, and when the Appriser is satisfied, needs no Resignation from the Appriser, or new Right from the Superior: And Apprisers during the Legal are incapable to elect or be elected Commissioners for Shires to the Parliament or a Convention of states Act 21. Par. 3. R. 2. 3. Where an Appriser is deposed within the Legal, by a Disposition in Favour of the Reverter, recorded in the Register of Reversions; no Casualty of Superiority falls by his Death 12. Feb. 1713 Erskine contra Hamilton. Because the Appriser was not then Vassal seeing Payment by Intromission or otherwise extinguished an Appriser during the Legal. vid. infra Pag. 665. 675. 687.

D. Superiors must receive Donataries of their Vassals Forfeitures upon the King's Presentation gratis, without claiming a Years Rent or present Payment of Nonentry Dutys resting by the forfeited Person: But the Superior must pursue the Donatary for these Nonentry Dutys 28 June 1680 L. Blair contra L. Montgomery for the Lands being forfeited to the King, his Majesty does then Superior, the Favour by presenting one in his Place. But if the King for some Years delay to present a Vassal upon Forfeiture, the Superior should in the Interim have Right to the Lands, which are in a Manner in Nonentry for want of a Vassal. Seeing his Majesty cannot hold of a Subject; and the Law affords no other Remedy to force the King to furnish him a Vassal Stewarts Answer to Drillet. Doubt. Tit. Presentation upon Forfeiture.

G. A Superior who hath Jurisdiction can exercise it over his Vassals Lands and the Inhabitants thereof: And tho he grant the like Jurisdiction to his Vassals that is not exclusive of his own Right, which remains ultimate therewith. Stair Lib. 2. Tit. 4. §. 9. A Vassal ought to appear in his

his Superior's Courts Craig Feud. Lib. 2. Tit. 11. §. 10. Vassals of Ward Lands, whether they hold simple or lease Ward are liable to appear in the Superior's head Courts without being cited, tho they be not expressly obliged to do so by their Infeftments; because hoc interest in the Nature of their Feud. But Vassals holding <sup>Alenely</sup> or Feud, are not obliged to appear without Citation unless their Infeftments expressly tie them to it. Spaldwood Orat. Tit. Courts. Mackenzie Obs. on Act 11. Par. 6. J. D. One holding Lands for which Suit is due in the Superior's Court, should give as many Suits as he had different Infeftments of Lands, and where diverse Lands lying adjacent are united to one Baron, the Baron ought to ~~enter~~ <sup>enter</sup> in the Sheriff Court so many Suits as if they had not been united, unless it be specially provided in the Infeftment that one Suit should serve for all the Lands. But Lands for which Suit is to be given in Court falling to Heir's Portions, the Heir's Heir's Portion gives Suit for herself and the rest of her Heirs.

10. No Superior can interpose another between him and his Vassal, to make that other his immediate Vassal and the former to hold of that other 30 January 1671 Dinglaskie of Kellicat contra his Vassal Craig Feud. Lib. 2. Tit. 11. §. 16. whereby the Vassal would be subjected to the immediate as well as to the immediate Superior. For this is contrary to the Nature of a Feudal Contract, and inconsistent; *Deus et relictus nichil dat*, the Superior cannot both give his Right of Superiority to another, and claim it himself; and if such a Practice were allowed, Superiorities might be infinitely multiplied. But a mediate Superior acquiring Right to the immediate Superiority may alienate either of them and retain the other, in which case he doth not multiply the Superior to his Vassal's Prejudice: And here the King utitur pure privato. Thus his Majesty having acquired a Right of Superiority of Lands belonging to his Vassal, by the Vassal's Resignation in his Hands ad remanentiam, or by the Vassal's Forfeiture; may, notwithstanding his receiving the Vassal to his forfeited Vassal of Course, by returning an Infeftment of these Lands to be held immediately of his Majesty upon Precepts out of the Chancery, dispone that Superiority de novo to a Subject; so long as his Majesty hath by no Deed or express Gift accepted the Vassal to be his immediate Vassal 26 Novemb. 1672. E. Arqile contra L. McLeod 8 July 1714 D. Gordon contra McIntosh of that ilk. Tho it be not allowed to a Superior to interpose another Superior between him and his Vassal: Yet the Vassal may make a