

Subvassal with the same Reddendo to himself, that is due by him to his Superior, and that Subvassal doth often again in the like Manner, subject to another. Whereby, for saving the Trouble and Expence of obtaining a publick Infeftment, a great many Superiors are interposed betwixt the first Superior and the Proprietor, that occasions much Confusion, Trouble and Expence. Therefore my Lord Mair (Pud. 9. 6. Vers. It might also be Statute) desiderates a Law for disabling any save the Kings immediate Vassals to grant subalterne Infeftments, and retaining other Proprietors by subalterne Infeftments to take Charters from them with this Proviso, that if the subalterne Vassals were obliged any further, as for a greater Fee Duty to their immediate Superiors, than these were liable for to the first Superior the Kings Vassal; he should give to that subalterne interposed Superior an irredeemable Annuity equivalent to the additional Duty paid to him by that interposed Superior's Vassal. By which Means there would be no Subvassal but of the immediate Vassals of the King, or of the Church or Colledge or Incorporation holding in chief by of the King, to equal Advantage of Proprietors and Superiors.

11. Where it is provided, that while the Receiver of a Disposition and his Heirs hold of the Grantor and his Heirs, they shall be entered and have their Honour and Liferent Secheat gifted to them. Such an Obligation is in itself only personal and not binding till the casualty fall, well and not only the Heir, but also singular Successors, when such casualties fall to them, if the Obligation be inserted in the Charter and Sign, which is all that can be done to make it real. Stewart Answers to Dr. Wall's Petition for the Secheat & Int. Provisions in Charters.

12. It hath been questioned how one in whose Person the Superiority and Property of the same Right is come by distinct Means, being in feft in the Superiority might also be in feft in the Property, viz. whether by the King or by himself, or if the Property without Infeftment were consolidated by the Infeftment in the Superiority? The Difficulty as to Infeftment by the King was, that his Majesty in fefts only his own immediate Vassals, or suppleto vicem of the immediate Superior refusing to grant Infeftment. In fefting himself was urged as inconvenient, because the Superiority as jus nobiles did absorb the Property and yet the Right of Superiority might be reduced, in which case it would be necessary to recur to the Property. Again, if no Infeftment were

were taken in the Property, in case the Right of Superiority were reduced, he would be without Infeftment altogether. But it was found, that a Person in feft in the Superiority might for establishing the Property in himself by Succession or singular title, either upon a Supplication to the Lords of Session obtain a Warrant to issue Precept in the Kings Name forth of the Chancery for in fefting him; or he might be in feft upon his own Precept or upon both the Kings Precept and his own 26. Novemb. 1666. Daughters of Merion Suppl. Cant. 21 June 1639. Supplicants. the Proprietor of the wood (Pud. Tit. Superior) says that a Receiver of Lands acquiring afterwards the Property thereof need not take a new title of the said Lands.

When the Right of Lands before immediately of the King fall to his Majesty by any casualty or not Superiority, as by forfeiture, Recognition, Bastardy or ultimate Heir, the Property is ipso facto consolidated with the Superiority: And a Declarator of that casualty doth not constitute, but only declare the Kings Right, without prejudice to what is bona fide consumed. But where Lands not taken immediately of the King fall to his Majesty by such a casualty, his Right is perfected by Gift and Presentation, which obliges the immediate Superior to receive and grant Infeftment to the Donatary as to his former Vassal: The the Sovereign's Right by this casualty, without being perfected as aforesaid is real and effectual, singular Successors, not secured by his Majesty's Confirmation or Novodamus Craig Feud. Lib. 1. Tit. 14. §. 9. Mair Lib. 2. Tit. 4. §. 2. If the Superior refuse to receive the Kings Donatary, he loses his Superiority during his Lifetime Craig Feud. vid. infra Page 1419. And the King cannot as universal Successor to a Subject in any Fee alienate, till he be served Heir in special to the deceased therein, vid. infra Page 1422.

13. A Disposition of Superiority carries virtually to the Receiver, all the casualties thereof whatsoever not formerly gifted or disposed to another, though not expressed, and fallen before the Disposition. 21 July 1673 Jaa contra L. Balmerino and L. Pourie 19 Feb. 1635 Lunninghame contra Stewart 14 Decemb. 1676 E. Argyle contra L. McDonald. Casualties of Superiority fallen do, if not actually reserved, pass to the singular Successor. Because these