

-tice: As a Vassal's refusing to shew to his Superior the Marches of
 his Fee, or Tenor of the Holding, when solemnly required to do it,
 or declining to do him Justice; or the Vassal's wasting the Fee; or
 committing Incest, Parricide, or Fratricide; or contracting Friendship
 with the Superior's Enemy. But Fees in Scotland being ordinarily
 granted for equivalent onerous Causes, are evacuated only by such
 as are very atrocious, or have known Names in Law: *Stair Lib. 2. c. 3.*
U. S. g. & 31. The general innominate atrocious Deeds of Failure in
 Duty or Breach of Trust on the Vassal's Part towards his Superior,
 which voids his Fee, are not determined in our Law. But they must
 certainly import his being active in or accessory to the Superior's
 Harm; or atrocious Deeds against his Life, Fame, or Estate i.e. his
 Right of Superiority; or against the Life Chastity or Reputation of
 his Wife or Children; or not revealing to him such Designs against
 him or them; or discovering his Secrets touching his Life Limb or
 Fame: *Stair Feud. §. 32.* Which are more largely explained by
Feud Lib. 3. Tit. 5. §. 8. et seqq. Tit. 6. §. 4. This Crime, because of a
 Trust betwixt the Superior and his Vassal, is in our old Books of Law
(Quid. Attach. Cap. 19.) called Treason. The such Treason infers
 not simple Forfeiture, but may the Loss of Land or Heredage held of
 that Superior. But no Vassal (unless one who owes military per-
 sonal Service) forfeits any Thing, by concurring or acting against the
 Superior in his other Estate than the Superiority; or for not revealing
 to him ~~any~~ any Loss threatened to him therein, or not giving him Counsel,
 or by discovering his Secrets that concern neither Life ^{Lib} nor Fame.
 Which Acts of Gratitude and Friendship are implied in the Fidelity
 of Ward Vassals only. Tho' albeit these are quarrellable for not defending
 his Superior against his Enemies, or deserting him when attacked in
 lawful War, and might probably have been received by them near him
 at the Time: Yet Ward Vassals do not lose their Fees, by not concur-
 -ring active by Force of Arms in the Superior's private unwarranted
 Quarrels: *Stair Feud.* The Acts of Infidelity and Disloyalty of a Vassal
 toward his Superior, inferring a Return of the Fee to him, which
 have known Names in Law, are Disclaimation and Purpresture.

Sect. 1. Of Disclaimation.

Disclaimation (in Latin *disclamium*, and called in the English
Law

Law Books Disclaimier) is a Vassal's wilful and open denying his Su-
 -perior to be his Superior. For as *clamare aliquem dominum* (among the
 Normans from whom the English and we have borrowed the Word) is to
 claim avow or affirm one to be his Lord or Superior. So disclaimere is to dis-
 -claim or disown him to be his Superior. The old Form of Disclaimation is
 extant in the Statutes of R. Rob. 3. (cap. 18.). The Effect of Disclaimation
 is, that the Vassal loses his whole Fee, whether he disown his Superior in
 the whole, or in any Part thereof: *Feud. Lib. 2. Tit. 5. §. Vassallus se feudum.*
Tit. 39. §. fin. Craig Feud. Lib. 3. Tit. 5. §. 1.

A Vassal disclaims his Superior either verbally in Judgment, or really
 out of Judgment by taking a Charter from another Superior: *Spdswood*
Dratt. Tit. Disclaimation. Which is equivalent to a verbal Disclaimation
 in open Judgment. But extrajudicial Disclaimation by Words is no
 more noticed than extrajudicial Confession, and hurts not the Vassal.

Any probable Ground of Ignorance will prevent this Forfeiture's
 taking Effect: *Craig Feud. §. 2.* As 1. If the Vassal should deny a Ser-
 -vant to be his Superior's heir, third and fourth Lord of his Feud, or
 his heir or heir to whom the Superiority is provided; or if the Superior
 be a singular Successor in the Superiority, or the Vassal a singular, be-
 -cause in the Property. 2. If a Question falling in whether a Piece
 of Land be a Part of the Fee, or a Vassal having divers contem-
 -poraneous Tenements holden of different Superiors deny any Parcel to be Part
 and Pertinent of one of them, and affirm it in Favor of another: This
 will not be accounted Disclaimation, if the Vassal have an Infeudment
 from that other to which the ground in Question might probably be re-
 -ferred. For when we say, that a Superior pursuing his Vassal needs not
 to instruct that he is Vassal, or that the Pursuer is his Superior, unless
 he be disclaimed, that is understood only of clear uncontroversed Cases:
Stair Lib. 2. Tit. 11. §. 29. Lib. 4. Tit. 14. §. 5. Tit. 8. §. 2.

A Superior disclaimed in a Suit at his Instance against a Per-
 -son as his Vassal, for any Casualty of Superiority, as Mortertry or the
 like, hath it in his Option, either to admit the Disclaimation, and take
 his Advantage thereby; or to instruct his Title, and proceed in the Action.
March 25. 1628 Douglass contra L. Wedderburn. But he cannot do both, seeing
 a Man cannot at once be, ^{Superior and} Proprietor of the same Fee: *Stair Lib. 4. Tit. 8. §. 2.*

Sect. 2 Of Purpresture.

Purpresture or Purprejion (from the French *pourprendre* to
take