

by agreement Recede from their bargain, without Consent of the Superior; Be cause Res non est Integra upon the Account of a Quasi Contract be twixt the Superior and them. But Sir James Stewart (Advocatus ibid.) thinks, that the parties may Resile without the Superiors Consent: for that any Quasi Contract betwixt the Superior and them being all in favour, may be purged from.

When the Superiority is disposed or adjudged after Resignation. In favour made in the Superiors hands, and before Infestment, the Composition for receiving the Vassal, should belong to the Signet Successor, by whom only the vassal can be Entered, Under Countess to Direct Deeds etc. Composition for Entry. Sir John Puffet (Doubts and Questions get entry upon Resig. by a Sing. Success. & Int. Resignation) thinks, that a singular In respect to the Superiority after Resignation made and accepted by his author, may be deemed to Infest upon the Resignation in his author's name, and that upon a bill the Director of Chancery may be ordered Direct receipts in singulium as upon a Return. But Sir James Stewart (Advocatus ibid.) is of opinion, that the singular successor may if he please, expect the Infestment upon the signature made in his author's name, he cannot be compell'd to do it, for that his author's acceptance, being a *pro persona* does no ways really affecting the Superiority will not oblige him a singular in acceptance.

Upon an Instrument of Resignation made in Exchequer, a Signature drawn and Granted by a writer to the Signet, is Exhibited in a Roll as usual to the Exchequer Table, by the presenter of signatures; which, after it hath stood there some days, he presents to the Barons; and they finding it agreeable to the former Charters do pass. But if it disagree with these in the lands or in the Reced. do, they will not pass. Then a Composition, which the Barons impose at their pleasure, being paid by the party, the Signature is Cashed, or the Cash put upon it by the Deputie Keeper of the Great Seal gratis. Which Cashing is a Stamp containing the Letters of the Kings name, and hath been ordinarily thus since our Kings came to reside at London. The Signature after Cashing is recorded in the Books of the Exchequer; and a precept under the Signet (for a warrant where of the Signature is left) Directed to the Keeper of the privy Seal. The writer to the privy Seal, upon sight of this Precept, writes another precept Directed to the Keeper of the Great Seal

Seal, and Records the same in the Register of the privy Seal, on the back of which precept he attests it to be written and Recorded by him. So this last precept the Keeper of the privy Seal appends the said Seal, and keeps the precept under the Signet as his warrant. Then the Director of the Chancery writes a Charter containing a precept of Seisin records the same in the Register of the great Seal, and attests it with an attestation of its being written and Recorded by him. To which Charter the great Seal is appended by the Keeper thereof, who retains the precept under the privy Seal as his warrant. But Signatures and Charters of the vassals of Bishops, and their Vicars, whose valuation is but a 100 Pound, or Under, pass the Great Seal per saltum Equalis, without payment of any composition in Exchequer or other Dues Act 32. Stat. in Par. W. & M. Junct. Ad 11. Cap. 7. Part. 2. And the Signatures and Charters of those whose valuation is above 100 Pound, and does not exceed 200 Pound are pass and Expire thro' the Register and seals upon payment of 15 pence Scots Allowance for fees in the Exchequer, Dues at the Signet and seals, and such more as or any other ordinary Fees. The vassals of Church lands in Breve and Zetland not exceeding 20 pence of valuation Bound by the Stat. in Par. Act 32. Without Renovation of their Infestments.

Resignation of Burgage Lands is made in the hands of a bailie of the town as superior, who with the same or a like receives resignation and gives Infestment; Conform to which Infestment, The town Clerk writes off the office, and not as an ordinary History, Extends a Judicial Instrument.

Infestment taken upon a disposition a Que, without Resignation, is Null till it be Confirmed by the Superiors Charter of Confirmation act 66 Par. 5 & 6. M. Henrici obitense vid. Quibus Infestment a me is Null by Exception, the Statute with several Years Possession A Decemb. 1623 Paton contra Stewart. And in a Competition of such Rights the last right first Confirmed is Preferred Stat. Paribus d. Act 66. Without prejudice to those having Interest to Quere the Infestment Confirmed Upon Nullities or other competent Reasons. Of such as have Confirmation from the Sovereign, he who gets his Charter first past the Seals is preferred to one having a Charter whether Anterior or of the same Date past thereafter: Unless the date of the Sealing were Controlled by the Minute Book and Regis: