

IMPLIED DISCHARGE AND RENUNCIATION.

S E C T. I.

Whether acting as Superior, by receiving Casualties, implies a Discharge of any Claim to the Property.

1502. *March 4.* The KING *against* GEORGE LORD SEATOUN.

ALBEIT ony fre tenant, or vassal, sell or annalzie all his landis, or the maist part thair of, without licence, consent, or confirmatioun of his superiour, zit on na wayis may the samen be recognoscit be the superiour, gif the said tenant, at ony time efter the making of the said alienatioun, has obtenit fra him, or his predecessouris, sufficient confirmatioun of the said alienatioun; because the samen salvis the saidis landis fra the feirfaultour of recognitoun; or zit, gif the said superiour, or ony of his predecessouris, efter the said alienatioun, has ressavit the service aucht and wont for the saidis landis; for, in this cais, he is understuid to renunce, quyte clame, and discharge all right, titill, actioun, and clame of right, quhilk he might have to the saidis landis be ressoun of the alienatioun foirsaid.

Fol. Dic. v. 1. p. 430. Balfour, (RECOGNITION.) No 10. p. 485.

No 1.

A superior is understood to pass from the recognition, if, after it is incurred, he receives the services used and wont, or confirms the alienation.

1553. *July 28.* The BISHOP of DUMBLANE *against* JANET CHISHOLME.

GIF ony spirituall or temporall man gevis and settis ony landis in few to ony persoun, for payment of ane sowme of money zeirlie, as feu-maill, or for uther service, gratitude or gude deid to be done to him zeirlie thairfoir; and efter the setting of the said few, and date of the chartour, ressavis ony part of the few-maill, or ony uther dewtie, conforme to the chartour, he thairby ratifyis and appreis the fewar as his tenant, and thairfoir may not persew him for reduction of his few.

Fol. Dic. v. 1. p. 431. Balfour, (FEUS.) No 10. p. 172.

No 2.

The superior receiving a part of the feu-duty, cannot afterwards reduce *ob non solutum canonem.*