

No 27. of any other superior?—But after long contention, the matter was casten off to a Parliament or longer deliberation.

Fol. Dic. v. 1. p. 254. Haddington, MS. No 631.

No 28. 1615. July 27. KINROSS against DRUMMOND.

IN an action pursued by Mr Henry Kinross against James Drummond, the LORDS found, That an office of Sheriff-clerkship fell in the King's hands, by rebellion of the said James.

Fol. Dic. v. 1. p. 254. Kerse, MS. fol. 219.

No 29. 1622. July 12. MAXWELL and GORDON against LAIRD of LOCHINVAR.

FOUND that a liferent of a Lady tercer pertains to the superior by her rebellion, albeit she had the terce by consent of party, and was never served nor kend to a terce.

Fol. Dic. v. 1. p. 254. Kerse, MS. fol. 221.

1622. December 20. HAMILTON against BRUCE.

No 30.
The liferent
escheat of an
apparent heir,
whose prede-
cessor died
infest in the
lands, falls to
the superior
of the lands.
See No 33.
p. 3638.

CLAUD HAMILTON and Matthew Hamilton, brother to Cochno, pursued for declarator of Alexander Bruce's liferent, of lands holden by him of Cochno; whereof Cochno had made the pursuer donatar. THE LORDS found, that not only the liferent of lands wherein the vassal was infest, but also wherein he had right to have been infest, and to have entered himself to by decease of his predecessor, to whom he might have been heir, pertained to his superior after the said apparent vassal's remaining year and day at the horn.

Fol. Dic. v. 1. p. 254. Haddington, MS. No 2715.

No 31. 1623. March 21. CUNNINGHAM against E. GLENCAIRN.

IN an action pursued by the L. Cunningham-head, assignee to the Lo. Kilmaers *contra* E. of Glencairn, upon a contract, whereby the E. sold to the Lo. Kilmaers certain lands, and obliged him to procure and deliver the renunciation of certain persons, who had wadsets of the saids lands; whereupon the Lo. Kilmaers charging, and the E. suspending, and finding caution the time of the suspension; the matter lying over suspended, he makes thereafter one assignee to the contract; who seeking transferring of that suspension, and act of caution