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same time, but if some of them were purged by redemption, or resignations *ad remanentiam*, before the other subaltern rights were granted, the rights purged could be no part of the deeds inferring recognition; neither could infestments for liferent, or for relief in warrandice, be taken, if the liferenter died, or the distress were purged before the subsequent deeds inferring recognition, although they were not then purged, yet they can incur no more as to the hazard of the distress or liferent, which the LORDS found relevant. The defenders further *alleged*, That the subaltern rights granted by the authors of the ward vassal, could not come in with the last ward vassal's deeds of recognition, because the King, having received a singular successor, his vassal doth thereby consent to his right, and cannot quarrel it upon anterior deeds by his author. It was *answered*, that the King grants infestments upon confirmations or resignation of course, and his officers neither know nor consider, whether there be subaltern rights granted which may inchoat or compleat recognition.

THE LORDS found, That subaltern rights granted by the ward vassal that now is, or by his predecessors and authors, did concur to infer recognition, so soon as they exceeded the worth of the half of the fee, unless there intervened a *novodamus*, which would purge anterior deeds of recognition, whether inchoat or compleat. See RECOGNITION.

Fol. Dic. v. 1. p. 437. Stair, v. 2. p. 865.

* * * See No 61. p. 6470. and No 67. p. 6500.

* * * The like was decided, Lord Advocate against Creditors of Cromarty, 23d February 1683, No 60. p. 6467.

1686. December 16.

MAXWELL *against* FALCONER.

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THE case of Maxwell and Falconer was reported, where the LORDS found a *novodamus* discharged all preceding feu duties.

Fol. Dic. v. 1. p. 437. Fountainhall, v. 1. p. 433.