

No 6.

*** Fountainhall reports the same case :

OBJECTED against a sasine, that it wanted four witnesses, having only three, and so was null.—THE LORDS sustained the sasine. *Alleged*, The Bishop's was in non-entry. *Answered*, He had a charter of confirmation.—THE LORDS found, if the charter of confirmation be a charter *a me*, to be holden of the granter's superior, then the confirmation is drawn back to the date, and stops the non-entry so as to exclude Kenmure ; but if the charter was *de me*, then the confirmation does not stop the non-entry, for the confirmation of a charter *de me* excludes only the King from the casualty of recognition, but not from non-entry.

Fountainhall, MS.

*** The following additional particulars are afterwards reported by Lord Fountainhall.

1680. *January 27.*

A COMPRISER of Kenmure's estate ratifies an annual rent furth of it ; thereafter the comprising is conveyed in Kenmure's person, and expires ; and he quarrels the annual rent after the expiration of the legal.—*Alleged*, He can never be heard, in respect of his author's ratification of it.—*Replied*, That militated against him indeed during the running of the legal, but cannot be obtruded now, never having redeemed nor used an order.—THE LORDS inclined to find Kenmure could not question this base infeftment, he being the apparent heir ; but it was not then decided.

Fountainhall, v. I. p. 127.

No 7.

1687. *June.* BOTHWEL of Glencorse *against* DEANS of Woodhouselee.

A SUPERIOR confirming an infeftment indefinitely, which had been taken both *de me et a me*, conform to clauses in a disposition for that effect, was presumed to confirm the infeftment *a me*, to make the right public, and he was preferred to the casualties ; and the base superior was not found liable to enter the vassal conform to his obligation in the disposition.

Fol. Dic. v. 1. p. 193. Harcarse, (INFESTMENT.) No 609. p. 170.

No 8.

Found in conformity with
No 7.

1688. *February 15.* LORD CHANCELLOR *against* CHARLES BROWN.

UPON the death of Robert Brown, who had an improper wadset of Gleg-horn's lands, affected with a back-tack, there was a process raised at the instance of the King's donatar of ward, for mails and duties of the land since the ward, and a liquidation of the heir's marriage.

Alleged for the defender, *imo*, Robert Brown was not the King's vassal, in so far as the wadset was to be holden *a me* or *de me*, and the confirmation being