

so long as they stand unredeemed, authorises no such distinction with respect to liferents, as if they could not subsist on a redeemable right. No 132.

*Answered*; In this case the claim is not entered in the character of naked fiar, to which the renunciation would indeed not be essential, but in that of sole proprietor, to constitute which the renunciation was necessary; and, therefore, being an indispensable ingredient in the complainer's title, it ought, as well as his charter and sasine, to have been completed a full year before the enrolment. With regard to the other particular mentioned, it would seem that the granting of a wadset to one person in liferent, and to another in fee, was inconsistent with the nature of that right; for a right bearing *ex facie* to be redeemable *quandocunque*, admits not of a liferent being created over it.

THE LORDS (the question being put to enroll simply, or *qualificate*) 'ordered the complainer to be enrolled simply.'

Act. Lockhart, J. Grant.

Alt. Macqueen.

Clerk, Pringle.

*Fol. Dic. v. 3. p. 416. Fac. Col. No 109. p. 291.*

1776. March.

— against DALRYMPLE.

DALRYMPLE of Fordel claimed to be enrolled on certain lands, conveyed to him by Wemyss of Wemyss, redeemable at Whitsunday 1770, or any subsequent Whitsunday, on payment or consignment of L. 20 Sterling. The word *wadset* did not occur in the conveyance; and it was *objected* to the title, That it was not a wadset, but one of those redeemable rights, reprobated by the act of Queen Anne. *Answered*, It is not necessary to the constitution of a wadset, that there be a borrower and lender, or any loan or debt; it may be a security for a gratuitous gift; nor is it necessary that there should be any clause of requisition, as many of the old wadsets are without it. THE LORDS repelled the objection; and their decision was affirmed upon appeal.—See APPENDIX.

No 133.

*Fol. Dic. v. 3. p. 416.*

1789. March 6.

SIR WILLIAM FORBES, Baronet, and Others, against WILLIAM BLAIR.

PRIOR to 1787, the Duke of Gordon had granted to Æneas Macintosh the liferent of the superiority of certain lands.

In 1787, the Duke conveyed to William Blair the fee of the superiority of the same lands, redeemable on payment of L. 50 Sterling, 'at the first term of Whitsunday, after the lapse of two years from the death of the liferenter.'

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