

R E C O G N I T I O N .

1569. *March 17.* BALFOUR *against* BALFOUR.

No 1.

AN infeftment of annualrent, above half the value of the lands, was found to infer recognition for the first time, it having been formerly otherwise determined, because the vassal was not changed, which was thought the great cause of this penalty.

Fol. Dic. v. 2. p. 313. Maitland.

* * This case is No 9. p. 7855. *voce* KING.

1590. *February —.* Lord LINDSAY *against* HAMILTON.

No 2.

THE Lord Lindsay pursued for recognition of certain lands of the barony of Abercorn, holden ward of the said Lord, analzied by James Hamilton. The reason of recognition was founded only upon a part of the lands, which the said James held of the said Lord, so the said Lord passed from any alienation but of the lands of only. It was *excepted* peremptorily against the summons, That there was no recognition by alienation of the said lands of because, conform to the law of recognition, and practice observed thereintill, the most part of the lands that are holden of the superior, in ward, ought to be analzied, yet true it was, the said James held the lands of only as a ten merk-land; and also held all the rest of the said lands, which were thirty-eight merk-lands, in uno infeofamento, et in una tenendria, et in uno reddendo; and so the libel concluding and assuming only upon the , which was but a ten merk-land, et non plus quam dimidium totius, prout requiritur ut res cadat et ad superiorem dominum revertatur, could never make the said lands to be recognosced, and fall into the superior's hands. It was *replied*, That albeit the said James held the said lands contained all in one

Found that in computing recognition, all such lands are to be understood as are under one infeftment, and under one duty, though not united.