

FEU-DUTIES.

1629. *March 26.* *ROLLO against MURRAY.*

A PENSIONER having a pension granted to him, by the Bishop of St Andrews, and the feu-duty of some lands payable by the feuer to the Bishop, being assigned to the pensioner, for payment of the pension, whereupon the pensioner having charged the present feuer of the land, who had lately bought the same from the old feuer, for payment of the said feu-duty, resting unpaid diverse years before he had acquired the feu; it was found that the pensioner could not charge by any personal charge, or execution, the said feuer, for payment of the said feu-duties, of any years owing before the acquiring of his right, but prejudice to seek the same really against the ground, by poinding, or otherwise: Likeas the pensioner, July 8. 1629, pursuing for poinding of the ground, for the said feu-duty owing before that singular successor obtained the right of the lands; it was then found, that the ground was poindable for the years, not only since he acquired his right, but also for the years preceding, and that there was no necessity to pursue him who was then heritor, for payment of the same.

Act. ——— Alt. *Rollock.* Clerk, *Scot.*
Fol. Dic. v. 1. p. 296. 297. Durie, p. 442.

1630. *July 21.* *MR ARCAIBALD MONCRIEFF against LADY BALNAGOWN.*

MR ARCHIBALD being pensioner to the King of a duty, to be taken out of the feu-duties of the lands of Ferne, disponed in feu by the King to the Laird of Balnagown, and which feu-duties were assigned to him for payment of the said pension, and the Laird of Balnagown having given sub-feus to his sub-vassals, for payment of certain feu-duties to him, and these feu-duties payable to him by his sub-vassals being disponed again to the Lady, and she being charged by the

No 1.

A superior cannot insist against an intruder for the feu-duty of more years than those of his intrusion. But bygone feu-duties may be followed out by poinding of the ground, against singular successors.

No 2.

A personal action is competent to the superior for payment of feu-duties, not only against the original feuer and his representatives,