

No 18. taining no formal union, but only a dispensation, to take off the necessity of several sasines in the discontinuous parts, recognition is to be inferred from a disposition of the major part of each of these contiguous parcels. THE LORDS found, that the dispensation for taking sasine at one place, and the reddendo of one duty in the charter of resignation, do not import a civil union of the discontinuous tenements, which therefore are to be considered as *distincta tenementa*, so as alienation of the major part of each does recognosce that tenement only.

*Fol. Dic. v. 2. p. 313. 314. Stair. Harcarse. Sir P. Home. P. Falconer.*

\*\* The reports of this case are No 61. p. 6470. No 67. p. 6500, and No 71. p. 6513., *voce* IMPLIED DISCHARGE AND RENUNCIATION.

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1682. *January.* EARL AIRLY *against* STRACHAN.

No 19. ONE Strachan having disposed to his eldest son John the fee of his estate, to be holden base of the disponer, John wadset the half to John Watt, who made requisition, and charged the granter of the wadset's daughters, his heirs; and upon their renunciation, apprised from them as lawfully charged to enter heir to their father, and obtained a charter from the King upon the apprising; and thereafter disposed the lands, without consent of the superior, to Stuart. My Lord Airly got a gift of recognition; against which it was *alleged* for the daughters of John, who were now served heir to their grandfather; That no recognition of the defender's lands could be incurred by John Watt's disposition to Stuart; because, *imo*, The ground of the apprising was but 1200 merks, which is not the half of the worth of the lands; *2do*, The charter from the King is from the wrong superior; for the apprising is led against the defenders as charged to enter heir to their father only, who was never the King's vassal, but held base of the grandfather.

"THE LORDS assoilzied from the recognition;" and the donatar did not insist for the 1200 merks belonging to Watt.

*Harcarse, (RECOGNITION.) No 822. p. 229.*

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1682. *March.* LAIRD of DUN *against* KEITH of JACKSTON.

No 20. IN a declarator of recognition, it was *alleged* for the defender, That the lands disposed in wadset were partly ward, partly blench, and partly feu, and so the ward can be considered *pro rata* only with the other lands; which the Lords sustained; just as if there had been two ward-tenements for a sum, which compared to one would be the major part, but would not be the major