

heir or assignee." The estate was forfeited and purchased by the York-Buildings Company, and a long lease of it from them is by progress come into the person of Lord Boyd, containing power to enter vassals and singular successors. The disponees of the old vassals, upon the late act of Parliament, charge Lord Boyd to enter them; and he presented a bill of suspension, on this ground, that the chargers were liable to pay a year's rent for the entry; and in answer, the vassals contended that they were only liable for the double of the feu-duty. Replied: That assignee can only mean the first assignee; 2dly, such a clause is not effectual against him a singular successor. Several were of opinion of the first, to which I could hardly agree, but was clear on the second; and we all agreed to pass the bill,—5th July.

25th July.—This case came first before us 5th instant, when we passed Lord Boyd's bill of suspension of the charge, founded on the late act of Parliament for entering these singular successors; and the same question is now again repeated in discussing the suspension on the bill. We found Lord Boyd not bound to enter the chargers without payment of a year's rent. Justice-Clerk was for the interlocutor on both points.

No. 14. 1752, Feb. 5. *KINCAID against MRS HAMILTON GORDON, &c.*

*KINCAID* held his lands from Cunningham of Boghan, which are now by Cunningham's creditors held of Gabriel Napier feu, as come in place of the Viscount of Kilsyth, who held them of the Crown. Kincaid served heir to his father, and upon the act 20th Geo. II. for taking away ward holding, &c. charged Mrs Hamilton, the apparent-heir of Boghan, to enter him, and took an instrument against him; wherein her answer was, that she did not represent the defunct, and had renounced to be heir; and then he presented a bill of horning against Gabriel Napier, the remote superior, which he opposed; and thereupon two questions arose. 1st, Whether the act extended to the case of apparent-heirs in the superiority? 2dly, If it extended to remote superiors, and if we could supply it? (Lord Elchies's reasoning on the case is subjoined to the text.)

No. 15. 1752, July 22. *GRAHAM OF FINTRY against KINLOCH.*

*FINTRY* feued a mill to Sir James Kinloch, who assigned the precept of sasine to Alexander his second son, who was thereon infest, and thereafter attainted of high treason, and the mill surveyed by the Barons of Exchequer, and Fintry on the Clan-act claimed as superior, and produced the feu-contract with Sir James Kinloch, with an extract of Alexander's sasine, but wanted the assignation of the precept by Sir James to him, which we thought necessary to instruct Alexander to have been his vassal in the mill;—and we allowed him to prove the tenor of that assignation, and of the principal sasine; though the President doubted if that was competent; but we would not give an incident diligence for proving it, for we thought a summons and separate process necessary, as is usual in improbations.

No. 16. 1753, Feb. 16. *SINCLAIR against SINCLAIR of Rattar.*

*ULBSTER* having right by progress to the superiority of Rattar's estate, took a charter from the Crown, and (to multiply votes at elections) conveyed the precept to the different