

No 3.

A right supervening in the author's person accresces to him to whom he is author.

1621. February 20.

INNES against INNES.

WALTER INNES, assignee by Balvenny to a tack set to him of some lands by the Earl of Murray, pursues Alexander Innes for the mails and duties of the lands of certain crops from 1622 to 1626 inclusive. *Alleged*, Balvenny, before the assignation, or Walter Sime the assignee, is denuded of that tack by disposing the same to Mark Mawer, who is denuded thereof in favour of the Earl of Murray; which Earl disposed the lands to the defender by contract, and is obliged to infeft him; and so the pursuer, being denuded of the tack in favours of the Earl, the same accresces to fortify the posterior right given by the Earl to the defender. Admits the allegiance.

Clerk, *Durie*.*Fol. Dic. v. I. p. 513. Nicolson, MS. No 281. p. 194.*

No 4.

1629. June 30.

LADY DUMFERMLINE against The EARL.

A feu vassal of kirk lands neglecting the benefit of the act of Parliament 1584, cap. 7. appointing confirmations to be granted to such feuers who should apply within a limited time, otherwise the feus to be null; the abbot who let the feu having been made thereafter Lord of erection, the supervenient right was found not to accresce to the vassal, seeing it was by his own fault, that confirmation was not obtained.

*Fol. Dic. v. I. p. 514. Durie.** * This case is No 15. p. 3061., *voce* CONQUEST.

No 5.

The maxim, *Jus superveniens auctori accrescit successor*, does not hold where there does not appear an oneous cause of the successor's right.

1664. July 19. ELIZABETH DOUGLAS against LAIRD of WEDDERBURN.

ELIZABETH DOUGLAS, as heir to her goodsire, and Sir Robert Sinclair of Lochermachus, her husband, pursue a spuilzie of teinds against the Laird of Wedderburn; who *alleged absolvitor*, because he had tack of the teinds of the said lands from the Earl of Home, and by virtue thereof, was *bona fide* possessor, and behoved to bruik till his tack were reduced; *2do*, That he had right from the Earl of Home by the said tack; which Earl of Home, albeit his right which he had the time of the granting of the said tack was reduced, yet he has since presently in his person the right of the teinds of the lands from John Stewart of Goldingham, which being *jus superveniens auctori*, must accresce to the defender, and defend him in this pursuit. The pursuer *answered* to the first defence, that the defender's *bona fides* was interrupted long be-