

16518

WADSET.

1569. *February 10.* MAXTON *against* MAXTON.

No. 2.

Although when a man alienates lands to be holden of himself, he needs no new sasine after redemption, because he remains in the radical right; yet if the alienated lands be holden of the reverser's superior, the Lords have found, That he must be again infeft upon redemption, except the same be taken holden of the superior by comprising; because in that case the proprietor redeeming within seven years, needs no new sasine, the law presuming him to have remained still seised when he redeems within the legal.

Maitland MS.

* * * This case is No. 1. p. 11335. *voce* PRESUMPTION.

1613. *June 20.* TENANTS of SALTON *against* ———.

No. 3.

In an action of quadruple poinding pursued by the tenants of Salton against sundry persons who had proponed wadsets, and the Lady, who was infeft holden of the King, the Lords found the back tack set by the wadsetters to my Lord, to accresce to the next wadsetters, and not to the Lady.

Kerse MS. f. 83.

1616. *June 22.* HAMILTON *against* EARL of ARGYLE.

No. 4.

In an action pursued by William Hamilton against the Earl of Argyle, the Lords sustained a certification of removing for not finding of caution, albeit it was wadset.

Kerse MS. f. 83.

1618. *December 8.*
OGILVIE of Carnousies *against* TENANTS of PHILORTH.

No. 5.

In an action of removing pursued by George Ogilvie of Carnousies against the tenants of Philorth, the Lords found a voluntary renunciation of a wadset by Alexander Fraser made by him after he was denuded in favours of John Fraser his son, relevant, notwithstanding the infeftment made by John, which took effect by possession.

Kerse MS. f. 84.

1621. *February 6.* LA. MITCHELL *against* PITSLIGO.

No. 6.

Found that tack-duties of wadset lands falls not within the compass of the act of Parliament: 1621 anent annual-rents.

WADSET.

16519

The act anent annual-rents 1621 not extended to wadsets with back tacks, but the same found to stand valid as they were made, specially being before the act 1621.

No. 6.

Kerse MS. f. 56.

1621. *March 10.*

KINROSE *against* DURIE.

No. 7.

The Lords found, that a singular successor infest by resignation, could not have right to a reversion where the wadset was proved to be holden of the superior and confirmed, or by resignation, except the party to whom the reversion was granted, was released after the order of redemption.

Kerse MS. f. 84.

1623. *July 11.*

LA. of PITSLIGO *against* LA. of MITCHEL.

No. 8.

The Lords found a renunciation of a wadset good being made by an assignee, albeit not infest; in respect the assignation gave him power to renounce, which the Lords found sufficient *inter vivos* as long as the cedent lives.

Kerse MS. f. 84.

1629. *December 17.*

CARNOUSIE *against* FRASER.

No. 9.

In orders of redemption, no necessity to cite tutors and curators generally. It is sufficient to cite one reputed to be tutor. He from whom the reversion is comprised need not be cited.

Kerse. Auchinleck.

* * This case is No. 28. p. 13454. *voce* REDEMPTION.

1635. *November 28.*

The RELICT of MOWAT *against* GRAY and MOWAT.

No. 10.

One Keith of Pittindrum having wadset the lands of ——— to one Mowat, redeemable conform to the reversion granted thereupon, for 2,000 merks, and by virtue whereof he being in possession; thereafter this Mowat, by a base infestment, gives the life-rent right thereof to his wife, to be holden of himself, and making relation to be done for implement of, and conform to their contract of marriage; after which right the said Mowat disposes the same lands to Mr. Rodger Mowat, who was his creditor, and had paid great debt for him, by a public infestment, who sicklike was divers years in possession by virtue of the said public right: Thereafter Keith of Pittindrum disposes the said lands to the Earl Marshall, and pays the sum to the said Mr. Roger Mowat, who had the foresaid

Competition between the relict of a wadsetter, and a singular successor.