

also the sub-vassal's life-rent, he being at the horn year and day, whereby he brui-
ed the whole profit of the land, or might brui it, and so had no prejudice to pay
a year's profit of the land to the superior; which allegiance was repelled, seeing
the casualty of the sub-vassal's life-rent could fall to none but the sub-vassal's im-
mediate superior, and not to his superior's superior; likeas the principal vassal set
the feu to the sub-vassal, at that time when he might do it by the laws of the realm,
and at which time the superior's consent was not in law requisite thereto.

No. 20.

Act. *Stuart.* Alt. *Nicolson.* Clerk, *Hay.*

Fol. Dic. v. 2. p. 407: Durie, p. 705.

1698. *January.* PRINGLE of Greenknow against The EARL of HOME.

Pringle charges the Earl to receive and enter him in some lands. The Earl sus-
pends, that they must pay the by-gone non-entry and feu-duties, conform to the
clause, *faciendo quod de jure facere tenetur.* Answered, I have a discharge from
your father, and an obligation to enter me gratis. Replied, That discharge can-
not operate against me, unless you prove I represent the granter. Duplied, You
are the *hæres linealis* and nearest to him in blood, and it must be presumed you re-
present, unless you instruct you have right to the superiority by a singular title,
and then you may plead, the discharge cannot operate against a singular successor.
The question was, If the Earl must produce his title, that will exclude the discharge
produced, or if Greenknow must prove he represents that person who gave the said
discharge? The Lords found the Earl obliged to show his right to the superiority,
by which it would appear if the discharge would subsist or not; and if he was not
infert, then the vassal, on his decret of his tinsel of the superiority, would go to
the next superior, the King, and obtain himself infert by the Chancery.

No. 21.

Effect of a
discharge
from the su-
perior's pre-
decessor.

Fountainhall, v. 1. p. 815.

SECT. VI.

Whether a Superior is bound to grant a Precept of CLARE, or infert
Vassals by Hasp and Staple?

1668. *July 15..* A BURGESS of STIRLING, Supplicant.

There being a bill given in by a Burgess of Stirling, who was served general heir
to his father, for inferting him in a tenement of land, wherein his father died infert,

No. 22.