or Parts of the Body that may give a just Aversion, as Lameness, Dumbness, Deafness, or Blindness; the more Beauty is required in a Woman offered as a Match to an Heir, than in a Man offered to an Heiress 3 July 1622 French & L. Thorndykes contra Cranstoun Craig Feud. §. 8. Vers. Ita sunt & alii Stair Feud. The necessary Formalities of the Offer are 1. The Superior or his Donatary or one having Commission from them must offer the Person by Name to the Heir, in an equal unsuspected Place for Interview and Conference, not in the Donatary's own House, and at a lawful Time. Whereupon an Instrument is taken bearing Production of the Donatary's Gift if the Offer be made by a Donatary, or of the Commission if a Procurator; if made by a Procurator, and the reading thereof Hope Wap. Pratt. Tit. Marriage Drummond contra Minnes 8 March 1627 L. Rollocks contra Balfour 3 & 11 July 1622 French & L. Thorndykes contra Cranstoun Stair Feud. §. 60. Where the Heir is Minor, such Requisition made to himself suffices without making it to his Curators; Because their Consent is not necessary to his Marriage 3 July 1622 French contra Cranstoun Craig Feud. §. 7. Vers. In hac requisitione Spotswood Pratt. Tit. Marriage 2. 3. The Day appointed forView, the Superior Donatary or Procurator appearing in the Time at the Place named with the Person offered, and waiting his Pleasure as past, requires the Heir to solemnize the Marriage; at a convenient Place on a particular Day not being Sunday, because that is not an usual Day for Marriage. Whereupon another Instrument is taken, bearing Production and reading of the former Instrument Craig Feud. §. 7. Vers. Si dominus Hope Feud. L. Argyle contra Nisbet. However our Instruments are not absolutely necessary, for one requiring the Heir to an Interview with the Person offered on a certain Day, one offer to marry on a Day thereafter was sustained as sufficient 22. Feb. 1678 Drummond contra Stewart of Innernytie. The doing of these Formalities of Requisition and the Vassal's Refusal cannot be proved by Witnesses, but only by notarial Instruments Craig Feud. §. 7. Albeit the Vassal be not yet married, the Lords may decern for the double Avail of his Marriage: But so long as he remains unmarried, no Execution can pass for Payment of the Double. 8. March 1627 L. Rollocks contra Balfour. Seeing the Superior or his Donatary never offers a Match to the Heir, that he has Reason to think will be accepted, and uses such sinister Methods for obtaining this double Avail, contrary to the original Design thereof, viz. Matching in a Family at Odds with the Superior; this Casualty is so unfavourable, that the Lord Stair (Feud. §. 47) tells us, he never observed since the Institution of the College of Justice, the double Avail found due. §.

Where a Vassal holds Ward Lands of several Superiors, every Superior hath Right to the Casualty of Ward of Lands held of himself. But the Vassal is liable only for one Avail of the Marriage, because he can get but one Tocher; which falls to the eldest Superior, that is he from whom the Vassal had the first Fee 26 June 1672 L. Queensberry contra D. Buccleugh. Where some of the Vassal's Lands are held of the Prince of Scotland, some of other Subjects the Casualty of

of Marriage belongs to the eldest Superior without any Distinction or Consideration of the Prince's Character, his Highness being only a Subject Stair Lib. 2. Tit. 4. §. 51. But if the King be one of the Superiors his Majesty gets this indivisible Casualty as presumed to be the eldest: For that all Fees originally flow from the Sovereign Craig Feud. §. 5. Vers. Si vasallus moriens Stair Feud. §. 49. M'Kenzie Lib. 2. Tit. 5. §. 12. Stewart Answers to Dirlet Doubts Tit. Marriage. Yea when there is a Prince of Scotland, and a Vassal holds some of his Lands Ward of the King and others of the Prince, the Casualty of his Marriage is due to the King, the Prince as hath been said being a Subject Stair Feud. §. 51. The preferring the King in a Competition with other Superiors to the Casualty of the Vassal's Marriage is an Advantage to the Vassal: Seeing his Majesty is the most benign Superior, and always favourable if timely Application be made before the Casualty come in the Person of a rigorous Donatary. This Preference is given to the King not only in simple Ward Holding but also where the Ward and Marriage are taxt: In which Case the Vassal is liable only for the last Value to the King. And where he hath several Ward Feus with taxt Marriages held of the Sovereign, his Majesty, albeit he might claim the greatest Taxt Duty, he can have but one of them: As no Superior could tell more than one taxt Value for the Marriage of one Vassal 10 July 1702 E. Argyle contra L. M'Leod. But a Vassal who holds Part of his Estate simple Ward Part taxt Ward, having paid the Sum taxed for his Marriage was notwithstanding made liable for a full Avail of the Marriage, deducting the taxt Duty 24 Feb. 1675 L. Dovecote contra L. Innernytie. The Lords James Stewart (Feud.) kinds the last Duty only, the Avail being thereof stated. If some of the Vassal's Lands are held of the Prince and some of other Subjects the eldest Subject Superior is not excluded from the Marriage Casualty by the King as Administrator to the Prince in his Minority to whom his Majesty is accountable Stair Feud. But where there is no Prince, the King who enjoys the Principality is intitled to the Marriage of a Ward Vassal thereof in a Competition with another Superior of whom that Vassal more anciently held Lands Ward 9 January 1680 Purves contra L. Lifs. Because albeit during the Nonexistence of a Prince the King acts as Prince and Steward of Scotland, yet he acts so jure proprio as a Sovereign Prince, and not as a Subject Prince supplendo vicem ejus, or as Curator hæreditatis jacentis: Administrator of the Principality. Nay, suppose a Superior hath enjoyed the Marriage of a Ward Vassal's Predecessors for 100 Years, if that Vassal acquire any Land holden immediatly of the King, his Majesty, the late Superior hath the Marriage. But if the Heir of a Ward Vassal to a Subject, should, during his Ward, acquire an Estate holden Ward of the King; the former Superior would not thereby be cut off from the Casualty of Marriage, but the Vassal might justly pend

hence of