of the first, which a second apprizer or adjudger is Intitled to without Infeftment. But yet posterior apprizers or adjudgers do frequently take Infeftment to enable them to Reduce anterior apprizings and to pursue Removing in case the first Apprizer or adjudger lay by and do not Infeft. 3d. An apprizing or adjudication of the Vassal's lands is Complete by a Declarator of Forfeiture in Scotland or a Declarator of Irritancy in England upon the Superior of his Vassal's lands is Complete by a Declarator of Forfeiture in Scotland or a Declarator of Irritancy in England upon his old Infeftment. Sufficiently the a Superior may for the Sake of Infeft himself upon the Apprizing or adjudication, or procure precepts out of the Chancery to Infeft him. lib. 2 Tit. 11 § 8. lib. 3 Tit. 2 § 22. But registrate the Sasine. For Declarator of Irritancy are Inconvenient to purchasers, who cannot come to the knowledge thereof by any Register. Other apprizings or adjudications Require to be perfected by Infeftment upon which, if the lands hold of the Sovereign, Charter and Sasine under the Great Seal is obtained in the same Manner as upon a Disposition, by passing and Expending a Signator of Apprizing or adjudication in the Exchequer and passing Precepts thereon under the Signet and privy Seal. The Annual Composition for Infeftments upon Apprizing in Exchequer is ten Merks for each thousand Merks given in the first ten thousand Merks, and five Merks for each thousand pounds given in a first Apprizing, and the half viz. five Merks for each thousand pounds given in a second Third or posterior apprizing. Dallas Styles page 35. But Signatures were not past upon Apprizings but Assignees lay all the Signatures and Warrand of Charters under the great Seal. Nor was any Composition due to the Crown in respect his Majesty was pater patriæ, and all the Liges being his Majesty's Vassals could not be said to have any prejudice by the Change of his Vassal. It will not appear who or how that Custom was Changed, but probably it hath been only by some Rule of Exchequer Statt answers to Dirlet. Dec. 1661. Compositions. If the Superior be a subject, the Apprizer or adjudger uses to Charge him upon 21 days. Magistrates of Burgh when Discharged by Apprizing to Infeft him upon 21 days. Magistrates of Burgh when Discharged by Apprizing or adjudgers of burgage lands use immediately to give Infeftment without Charge to the Charger because no Composition is due to them for the Reason here after. But other Subjects Superiors some times give obedience and some times disobey according as they and the apparent Vassals agree or disagree about the Composition. Before the year 1624 apprizings were by Warrand of the Lords of Session upon great Sale, whence precepts were Issued thereupon against Superiors to Infeft in Case of their Disobedience; Charters were granted by the King to supply their Defaults. Thereafter the Apprizer Retaining his apprizing, was allowed to have Summary letters of horning against the Superior to grant Charter and precept of Sasine. Stair lib. 2 Tit. 3 § 29. And upon his Refusal to Denounce him. Then Recourse was to the Second Superior, against whom the like Charge of horning and Denunciation was used if he Refused, and so on to another, till it came to the King. But Charters, lib. 3 Tit. 2 § 8 in fin. But upon Retours precepts are Directed out of the Chancery to the Superior to Infeft his Vassal. Vid. infra page 1316. An Apprizer from an Apparent heir upon a Special Charge may Effectually charge the Superior or obtain himself Infeft after the apparent heir's death; Albeit the apparent heir himself was Never Infeft, and the Dead apparent heir could not enter heir to him, but to his predecessor last infeft in order to Reduce or Quash the said Apprizing 6 feb. 1668 Johnston contra Erskine. A Superior having died After an Allowance of an Apprizing of lands holden of his

(a) Now fines by Law Act 62 par. 1 Jas. 1 Ch. 2 Dorting Apprizings Especial by Charging Friends, Goss, after his Superior 25 Jan. and Bill got a years Rent of Lands to him Allegance, and Thereupon 13 Contrary to Brinkhorn.

the Apprizer got a Summary Warrant to Charge the Superior's heir to Enter him 5 Decemb. 1628 L. Corsbie contra L. Kilsyth. And where lands were Apprized to be held of a Particular person who was not Superior, and in the Allowance of that Comprizing an order given to Charge him to enter the Apprizer; Upon a Supplication to the Lords a Summary Charge was ordained to be given to the right Superior to Receive him, without any further trial. The Writ taxe 27 feb. 1630 L. Lochlower Supplicant. A Charge against the Superior is a Sufficient letter to pursue Wards and Duties of the lands apprized 5 March 1628 Scot contra Tenants of Wistlee. But not to Remove tenants 25 March 1628 Lockhart of Barr contra Tenants. Nor get the Debtor Sasine 20 feb. 1629 Galloway contra L. Bogmilne & Sir George M'Kenzie (Stair lib. 2 Tit. 12 § 8) lays down as principle, that None can Pursue a Removing without having Infeft. The Lord Stair (lib. 3 Tit. 2 § 23) is of opinion, that since the Act of Parliament bringing in Apprizers within Year and Day of the first effectual apprizing by Infeftment or Charge as in the Superior Canada, an Apprizer who hath Charged the Superior may Effectually Reduce the Superior or Compone Debtor if the apprizer or adjudger insist for possession. Tait lib. 6 § 30 and a Charge against the Superior upon an adjudication is sufficient to Intitle the adjudger to Reduce Real Rights clothed with Infeftment 28 January 1713 M'Pherson contra M'Pherson. No Composition is due by an Apprizer or adjudger of Burgage Lands to the Magistrates of that Burghs as Superiors 27 July 1634 Hay contra Bailies of Aberdeen. Lands within Burghs being liable to Scalling, Slating, Watching, Warding and other Incorporation Burdens, of which other lands are Generally free Dallas Styles page 40. But an Apprizer or adjudger of Country lands, must offer to the Superior Charge, a Charter to be Signed, and a full years Rent of the Subject apprized (ad 37 Par. 5 J. 3 Mel. 6 Par. 23 J. 6.) or adjudged (Cuting Par. 2 Jas. 3 Ch. 2.) as it was Set at the time. But a Superior is not bound to enter an apprizer of his Vassal's lands upon payment of a Year's Annual rent of the Money apprized for 23 March 1622 Ramsay contra E. Rothes 30 March 1637 Peterson contra Murray. Tho the Lords have Modified the Year's rent due to the Superior, where it far Exceed the Apprizer's annual rent. Eodem die inter Eosdem. Nor yet is a Superior obliged to accept of a Year's fee duty, but he must have a Year's Rent as paid by the tenants 29 March 1636 Cowan contra Lord Elphinston. 9 March 1639 Lord Almond contra Hope of Carse. A Ward Vassal having without Consent of the Superior feued out his Land to the Holder