

back to the Chanery, a third precept is given out called *8th Precept* from these words *tenere et esse tenere* *Forche* or *Juray*, from the French *Fouinche* a fork, perhaps for that as a fork hath two grains de this precept in alternative terms Command the Superior to give his feifin, or if an over will go to the Sheriff, to give the same. The Superior being Required upon this precept at Synax and his performance wd obedience Reported to the Chanery; the Director, with ordinary Citation or process, sheweth forth a fourth precept Relative to the three former precepts Dissolved, to the Sheriff Sheriff or Bailiff of the jurisdiction where the lands by if the Continacious Superior be that King, Immediate Vassal; Or to his Immediate Superior, if he hold of another Superior Intersited be the King and the King, and upon that Superior obedience, to the Judge of the proper Jurisdiction Commanding him to give fulfillment to the heir in respect of the Immediate Superior Contempt, Hope Mine Prato &c. Precept directed to the Superior; 133 and so forth till the heir arrives at the King who Forber Refuse to enter any person. The question whether a Continacious Superior by suffering his Vassal to be entered by the Sheriff loses his Superior during his own or his Vassal's lifetime or both is stated and the Reasons on all sides set forth by Sir Thomas Hope C. Min. Prato. *Summels of Superiority* n. 142 & 143. But that great Lawyer (ibid.) & precept of his in *Clare Constab.* n. 137) says that the Continacious Superior by suffering his Vassal to be entered by the Sheriff loses his, but the feifin &c; and not withstanding thereof Remains Superior as before.

The Continacious Superior by suffering his Vassal to be seized by the King or another Mediate Superior, loses the subsequent non entry duties during that Vassal's life; seeing the non entry was purged by the King or other Mediate Superior supplying the Vice of the Immediate Superior; But is not Excluded from the benefit of other Casualties as Feifin or Blanch Duties, ward and life rent, Escheat, or from non entry duties anterior to the Vassal's feifin obtained from the Mediate Superior 18 Decemb. 1630. *Starob* contra *L. North* 29 June 1632. *contra* *Achnames*. *Starob* lib. 3 fol. 8 & 34. 848. *M. Henrich* lib. 3 fol. 8 & 34. Because quod these anterior non entry duties or other Casualties of Superiority he was not culpable; but he accented him thro' the Vassal's own fault which might not be the Superior. But the Lord *Starob* cited it not so plain that such other Casualties will not be lost to the Continacious Superior during his life rent belong to the Mediate Superior, during his other Continacious Superior's life because otherwise the Certificate against him signifies nothing.

For preventing this Forefallure of the Casualty of non entry, the Superior, before directing the fourth and last precept to the Sheriff, shall cause the lands by for giving a feifin, eyes to suspend the precept is given for the against him out of the Chanery, upon the Reasons following. 1st That the precepts are Conditional; the vassal doing that to his Superior which he is obliged to do by Law; and he hath not paid the Relief and non entry duties from the time that it appears from the Retour that the lands are actually in non entry which is sustained, July 1623 *L. Comyn* contra *Capitain Crawford* 29 July 1624 *L. Bayning* non contra *King* 12 March 1630 *Someval* contra *L. Bivins* of these non entry duties be Liquid spots wood Prato &c. Entry to lands. But where the non entry duties are not Constituted nor Liquid, the Superior is bound to enter his Vassal though he had paid Prato &c. lib. 2 fol. 17 & 19 spots wood lib. 1. A Superior of ward lands was ordained to enter his Vassal's heir, without getting present payment or the full Rend. of the lands for three terms subsequent to the ward, as the non entry duties, without prejudice to his right there to profit de jure; seeing the Superior was not in possession of the lands, and these duties were not Liquid 23 January 1630 *Public* contra *Lord Apsle* 2^o. Another Relevant Reason of suspension of a Charge to enter an heir, is his not producing to the Superior the Ancient Evidents of the lands &c. that the precept of feifin might be made Conform to the reto. Because the precept and fulfillment thereon would be a sufficient title without producing an entry, whereby the provisions with which the Ancients rights were perhaps Clogged, might be Rend over & Spectual. That can never be more properly done than at the Request of the Sheriff lib. 3 fol. 8 & 34. Nor is a Superior bound to Rend these fees in other terms than those contained in the first Investitures, which is Regular Regularity of the Renovation; and to which in case of Doubt or Difficulty, Recourse is to be had; for all the conditions and qualities of the first Investitures are understood to be repeated in the subsequent, unless it appear to have been agreed between the Superior and Vassal, to Depart from the tenor of the first Investitures, Prato &c. lib. 2 fol. 12 & 13 *versus* *Sciendum esse* 37. A third Reason of suspension may be founded on the Superior's right to the property; by apprising or adjudication or a Decree of Declarator of Recognition or other Foriture of the feifin by a Decree of Suprobation of the heir's Retour. But a depending possess at his instance against the heir's predecessors upon any such grounds will not stop his entry; and the Superior's right in that case will be Reserved only as Records *Starob* lib. 3 fol. 8 & 34. A Superior was found obliged to Receive his Subvassal upon his Vassal's