Resistal to enter the Subvassal Salvo Jure Superiorities, albeit the Superior pretended Right to the Superiority himself, and had Redictionem depending against the Vassal and Subvassal of any Pretence of Right they had, saying the pursuer was long in possession, and the Event of the Reduction Doubtful 22 June 1672 Menzies contra L. Glenorchy. Which Clause of Salvo Jure Nostro, is very effectual to preserve any Interest belonging to the Superior, and the clause salvo Jure Cujus libet nisi prohibitione, the not Expressed Craig Feud. lib. 2 Tit. 10 §6. The Lords do not pass such a bill of the Superior in favour of the Superior, unless he the Superior Produce a precept of Sasine subscribed by him, which, if the Reason of his pension be not Repelled as not Relevant, or be not proved, they ordain to be given up to the Vassal. Hope Min. Prac. Pit precepts directed to the Superior n. 133.

If the Superior be not Infeft in the Superiority, the heir Cannot Not-withstanding a precept of Sasine upon his Retour, because it would be Unprofitable to Him to be Infeft by one who is not Infeft himself: But he may Charge the Superior to obtain him Infeft Served Retoured and Infeft as heir in Special to his Predecessor who died last vest and Seised in the Superiority, within 40 days if within Scotland, and at Edinburgh Cross and pier of Leith or 60 days if without Scotland, and at Edinburgh Cross and pier of Leith or 60 days Letters of Supplement if for the thereof, to the End he may be in a Capacity effectually to enter and Infeft the Vassal's heir, with Certification of Failzie, he shall Limit and Tine the Superiority, and hail Duties and Casualties thereof during all the days of his Lifetime; and it shall be Lawful for the heir to take his Entry from the King if Immediate Superior to the person who died last vest and Seised in the Superiority, Vacant of his Majesty. After the days of this Charge are Elapsed, the Lords may pursue a Declarator of Tinsel of the Superiority. The Effect of which Declarator obtained is that the Superior declining to enter to his Superiority to the End he may Enter his Vassal, proves the Vassal for his Lifetime Act 58 Par. 1. J. 3. That is, the Superior proves the Superiority for his own Lifetime, and not for the Vassal's Lifetime Stewart. 1634. Craig Feud. lib. 2 Tit. 17 §5 vers. ult. Commissioners Forclusive Hope Min. Prac. Tit. Precepts of Sasine & Clare Constat. 138 & Tit. Tinsel of Superiority n. 139. Mr Robert Colquhoun & Mr Alexander Colquhoun. When a Declarator of Tinsel of Superiority is obtained against the apparent Superior, his Immediate Superior may be pursued Summarily to Supply his place under the pain of Tinsel of his Right of Superiority: Without Necessity upon the Pursuer to Run a Course of Consecutive precepts out of the Chancery against the Defender, as his Immediate apparent Vassal in whose place the pursuer came would have been obliged to do 29 July 1624. L. Carpington contra L. Heir. But then the Pursuer must pay all non entry duties to the Defender by his Immediate Apparent Vassal Eodem die intro Eodem. When one person is heir, and another Infeftent of the Superiority the heir may Crave to be Entered by any of them he pleases without Detriment to either Craig ibid. §9 Hair lib. 3 Tit. §549. How far Casualties

How far Casualties of Superiority belong to Liferenters Vide Supra pag. 490. How a person Infeft in the Superiority may be afterward Infeft by Succession in the property vide Supra pag. 1273, 617, 618. How apprizers and Adjudgers are Infeft by the Superior Vide Supra pag. 1273.

Sect. 2.

Entry of heirs to lands and Tenements within Burgh.

One may be Infeft as heir in lands and Tenements within Burgh two ways. 1/ Upon a General Service, and production of his predecessors Infeftment. 2/ without any Brief by Hasp and Staple, which is the Burgher Retour. Entry by Hasp and Staple is, when the Bailie of a Burgh Royal Delivers to the Vassalle hasp and Staple of the door as Jure Sold of Sasine after he hath tried his Proximity of Blood by an Inquest of the honest neighbours of the Burgh called in our Law Bag in the more Burgh to the giving of which Sasine by hasp and Staple, the Common Clerk of the Burgh must be Notary Act 27 Par. 1. J. 6. The original Sasines, or Sasines in favour of Singular Successors in Burgher tenements would not be sustained without admiracle of 21 June 1672 Nicolson contra Cowie 11 feb. 1681 Irvin contra Corsan. Yet Infeftment by hasp and Staple doth Infeftment both Cognition of the propinquity of Blood, & the giving of Sasine without any admiracle of a Retour or other warrand for Giving thereof 13 Novemb. 1623 Marshal Colmes contra Marshal 25 Novemb. 1623 E. Mellros contra L. Bass. 30 July 1629 Wilson contra Stewart. Stair lib. 2 Tit. 3 §19 lib. 3 Tit. 5 §27. This is not only Equivalent to Sasine upon a precept of Clare Constat, and so a sufficient title of prescription 28 Novemb. 1705 Ker contra Aberne this. But it is Equivalent to a Special service as to the lands where in the heirs so Infeft, and a sufficient title to Convey the Subject and to Reduce real rights affecting it 1 July 1714 Walker contra Representatives & Creditors of Adamson. But it doth not Infeftt the heir to Claim other Creditable rights belonging to his predecessor, Mackenzie Infeft. lib. 3 Tit. 8 §33.

Sect. 2.

Entry of heirs by the Superiors Voluntary deed.

An heir enters by the Superiors Voluntary deed, either with, or without a service.

1/ When a Subject Superior grants Willingly to the heir upon Sight of his Special Retour a precept of Sasine that precept of Clare Constat upon the Retour, which hath been Already spoke of Supra pag. 1413 & 3 Verifies him to be heir to his predecessor & active & passive, Hope Min. Prac. Tit. Precepts of Sasine & Clare Constat n. 136.

2/ Very often the heir without serving himself, gets from the Superior a precept of Sasine called a precept of Clare Constat from the Initial words thereof, quamvis Clare Constat el notum est per Authentica Instrumenta el Documenta coram me Exhibita el ostensa. In which the Superior Acknowledges, that such a died