

No 10. justly reputed superior to all, when another cannot be shown.—THE LORDS repelled this allegiance, proponed for the King's donatar, and found the right of this liferent pertained to Craigivar, whom they found to be superior to this rebel, by this reservation contained in the charter granted by the father to his son, to be holden of the superior, and confirmed by him ; which reservation so made, and charter which bears the same, being confirmed, they sustained as sufficient to make him his vassal, although the rebel had right to the liferent of before, and found the superior's right not prejudged, albeit before his confirmation the liferenter was rebel some days before, and that thereby no right was acquired to the King, the superior having confirmed long before the year expired, and within a month after the date of the charter granted to the son, and so the superior was preferred to the King, and the sole reservation found enough to make him vassal.

Act. *Advocatus & Nicolson.* Alt. *Stuart & Gibson.* Clerk, *Scot.*
Fol. Dic. v. 1. p. 193. Durie, p. 782.

1663. *January 15.* CAMPBELL *against* LADY KILCHATTON.

No 11.

FOUND, that a creditor confirming his author's base infeftment *ad hunc effectum* allenary, to make his own valid, confirms the relict's infeftment also, which was *in eodem corpore juris.*

Fol. Dic. v. 1. p. 193.

*** See The particulars of this case, No 35. p. 1302. and No 4. p. 3008.

1685. *March 17.* COLONEL MAINE *against* LADY EARLSTON.

No 12.

A PARTY before his committing perduellion, having resigned his estate in favour of himself in liferent, and his son in fee, adding this general clause, 'with and under the conditions and provisions contained in the procuratory of resignation ;' and having, in that procuratory, expressly reserved his Lady's liferent infeftment, the LORDS, in a competition betwixt her and the donatar of the forfeiture of her husband, found, That though the reservation in the public infeftment was in general terms, yet the Lady's liferent being particularly reserved in the procuratory of resignation, to which the general clause related, was equivalent to a confirmation ; and therefore preferred the Lady to the donatar.

Fol. Dic. v. 1. p. 193.

*** See The particulars of this case by Fountainhall, *voce* BASE INFESTMENT, No 39. p. 1308.