

accumulations, or any expenses of leading the adjudication: and in this they had respect to the voluntary ratification above mentioned, which would have made the adjudication subsist to all effects, had it not been for the adjudger's back-bond.

Page 64, No. 270.

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1681. *December.* ROBERTSON *against* SIR PATRICK NISBET.

FOUND, That Sir Patrick Nisbet having given his vassal a feu-charter of some lands, with pertinents, for a feu-duty *pro omni alio onere*; the vassal might erect a brewery *in suo feudo*, though in barony, and the clause *cum breueriis*, was not insert in the charter; which, in Craig's opinion, page 181, passes with the feu, though not expressed.

Page 162, No. 584.

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1681. *December.* ROBERT SPEED *against* JOHN SPEED.

A PERSON being infeft by cognition, and hasp and staple, in a tenement of land in Brechin, and his sasine not registrat,—as if the tenement had been burgage, whereas it truly held feu of the bishop, and was only granted to the town during the suppression of prelacy,—he disponded the tenement; the disponder's son served heir to his grandfather, and raised reduction of his father's infeftment, as null, for not being expedite *habili modo* by charter and sasine, upon retour or precept of *clare constat*, as other feus are acquired, nor yet registrat. The Lords found the father's infeftment null.

*Index.* Infeftment without registration, taken in feu-lands by cognition and hasp and staple, *ex errore*, as if they had been burgage, and not by charter and sasine, upon retour and precept of *clare*, found null. Page 164, No. 591.

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1681. *December.* The LAIRD of CRAIGIVAR *against* JAMES SCOT.

THE defender, in a process of spuilzie, dying before litiscontestation, and decret being extracted without any such objection made by his procurators, and his lands appraised thereon,—the Lords reduced the appraising as simply null, at the instance of another of the defunct's creditors, who had used posterior real diligence; and would not sustain it as a security for the sum that should be instructed to be due, otherwise than by not denying the libel.

Page 173, No. 629.

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1681. *December.* DONNES *against* LISLE.

ALEXANDER Donne having died infeft in a tenement in the year 1658, his son, the apparent heir, continued in possession till 1663; after this Lisle entered up-