1597,—and it being I suppose doubted if this Court had sufficient powers for such an act, the 250th act 1597 was made in December without taking the least notice of the former act of sederunt and without any retrospect, not even to the Whitsunday 1697, (a pretty strong indication that our act was not thought of sufficient authority for so strong a thing,) and the act statutes the irritancy sicklike and in the same manner as if a clause irritant were specially engrossed, and our Courts have always taken greater latitude in indulging terms for purging when there was no such clause in the charter and the whole depended on the act of Parliament than where there were such a clause, and as it is not of the essence of a feu and was introduced *in favorem* of the superiors, the maxim holds, that *quilibet potest jure pro se introducto renunciare.* Besides, as the irritancy is enacted sicklike and the same manner as if there were such a clause, as there can be no doubt that where there was such a clause, before that any superior might by a new charter, or in entering an heir, renounce it for ever, or perhaps even in a private discharge, since we had not then any record for publication, in the same way as private reversions were effectual against singular successors, I saw no reason why this could not be effectually renounced, now especially since it had entered the sasine whereby singular successors were safe. President was of a different opinion, and thought that the act of Parliament made it now essential to a feu, and instanced the act 1685 enjoining the heirs to insert the irritant clauses under an irritancy of their right, and figured the case of an entail dispensing with that irritancy, he thought the discharge would signify nothing. In answer to which I noticed first the difference betwixt the two acts, that the act 1597 is in favours only of superiors, but the act 1685 in favours of the whole world who might contract with heirs of entail; 2dly, That in the case supposed, I thought an heir omitting to insert the clauses irritant would not irritate or forfeit his right, but then I thought the creditors contracting with him would be safe. Upon the question it carried to alter Minto's interlocutor, and to find the clause effectual against the pursuer though a singular successor.

JURISDICTION.

No. 2. 1734, Jan. 10. HAY *against* CREDITORS of SIMPSON.

See Note of No. 1. *voce* INHIBITION.

No. 3. 1734, Feb. 19. CORSAN, &c. *against* MAXWELL, &c.

See Note of No. 1. *voce* *ARBITRIUM BONI VIRI.*

No. 4. 1735, Jan. 31. GRAY *against* IRVINE.

THE Lords passed the bill of advocation of the process of confirmation from the Commissaries of Aberdeen, and remitted it to the Commissaries of Edinburgh on account of iniquity.

No. 5. 1735, July 11. RAMSAY *against* THOMSON.

See Note of No. 1. *voce* *FORUM COMPETENS.*