

No. 28. lid and effectual to the pursuer, and his foresaids, in all time coming, as if the said defender, or one or other of them, had been entered and infeft in the superiority of the foresaid lands, and thereafter the pursuer had been entered and infeft in the property thereof, as vassal to the said defenders or either of them; and decern and declare accordingly."

Lord Ordinary, *Balmuto.*
For the Vassal, *Dickson.*

For the Superior, *Glassford.*
Agent, *A. Gibson, W. S.*

Agent, *R. Hill, W. S.*
Clerk, *Menzies.*

F.

Fac. Coll. No. 51. p. 104.

SECT. VIII.

A Superior may compel his Vassal to enter, but not entitled to Infeft him without his consent.

No. 29. 1581. *January.* EARL OF EGLINTON *against* LAIRD OF CALDWALL.

The Earl of Eglinton pursued the Laird of Caldwell, who had a piece of ground holden in ward and relief of the said Earl, whereof also the ward was disposed to the said Laird by the said Earl to enter to the said land, the ward being run forth, to the effect the said Earl may be served of a tenant into the said lands, and receive all other duties and services belonging to the same. It was answered to the summons for the part of Caldwell, that in nowise he could be compelled to enter to him tenant of the said lands, because the said Earl had disposed the same ward to him; nor yet pay any mails or duties of the same, because the same, by reason of the disposition, appertained to him. To this was answered, that the disposition of the ward was but unto such time as the heir was of perfect age to enter, and now the heir being of perfect age to enter, he could not lie furth to the prejudice of the over-lord and superior. The which allegiance was found relevant by the Lords, and pronounced him to enter, and found that the vassal might be compelled to enter, as the superior might be compelled to receive the tenant or vassal.

Fol. Dic. v. 2. p. 408. Colwill MS. p. 319.

No. 30. 1582. *March.* LAING *against* SCRYMGEOUR.

Mr. John Laing, being provided to the pensionary of Brechin, pursued one Scrymgeour, as nearest and apparent heir to another called Scrymgeour, to enter to certain lands, alleging the same to appertain to him in feu-farm holden of the