

16518

WADSET.

1569. *February 10.* MAXTON *against* MAXTON.

No. 2.

Although when a man alienates lands to be holden of himself, he needs no new sasine after redemption, because he remains in the radical right; yet if the alienated lands be holden of the reverser's superior, the Lords have found, That he must be again infeft upon redemption, except the same be taken holden of the superior by comprising; because in that case the proprietor redeeming within seven years, needs no new sasine, the law presuming him to have remained still seised when he redeems within the legal.

Maitland MS.

* * * This case is No. 1. p. 11335. *voce* PRESUMPTION.

1613. *June 20.* TENANTS of SALTON *against* ———.

No. 3.

In an action of quadruple poinding pursued by the tenants of Salton against sundry persons who had proponed wadsets, and the Lady, who was infeft holden of the King, the Lords found the back tack set by the wadsetters to my Lord, to accresce to the next wadsetters, and not to the Lady.

Kerse MS. f. 83.

1616. *June 22.* HAMILTON *against* EARL of ARGYLE.

No. 4.

In an action pursued by William Hamilton against the Earl of Argyle, the Lords sustained a certification of removing for not finding of caution, albeit it was wadset.

Kerse MS. f. 83.

1618. *December 8.*
OGILVIE of Carnousies *against* TENANTS of PHILORTH.

No. 5.

In an action of removing pursued by George Ogilvie of Carnousies against the tenants of Philorth, the Lords found a voluntary renunciation of a wadset by Alexander Fraser made by him after he was denuded in favours of John Fraser his son, relevant, notwithstanding the infeftment made by John, which took effect by possession.

Kerse MS. f. 84.

1621. *February 6.* LA. MITCHELL *against* PITSLIGO.

No. 6.

Found that tack-duties of wadset lands falls not within the compass of the act of Parliament: 1621 anent annual-rents.