

1628. December 16. LA. BORTHWICK *against* SCOT of GOLDLANDS.

No. 6.

In a removing, the pursuer's sasine being of lands lying discontinuous, and being relative to a charter granted by the Bishop of St. Andrew's, whereby he had united all these lands in one tenement, which was the warrant of the sasine, the sasine was not sustained, seeing none could unite the lands but the King, and no subject could make an union except the King had confirmed it, or had originally given the same; and this was so found, albeit the defender, who opposed it, alleged no right in his own person.

Durie, p. 410.

* * See No. 44. p. 914.

1630. January 19. BRUCE *against* WARDLAW.

No. 7.

In the action of double-poining between Mr. Robert Bruce, Bailie-depute of Torrie, constituted by my Lord Lindsay, and James Wardlaw, my Lord Lindsay's sasine of the Bailiery was quarrelled as null, in so far as it might be extended to the lands of Torrie, because sasine was not taken upon the ground thereof, but at the cross of St. Andrew's, by virtue of an union granted by the Bishop, who could not give it, nor any subject, unless it had been confirmed by the King. The Lords found, That there was a great difference in lands that lie divided, and in an office and jurisdiction which is indivisible, and therefore sustained the sasine. Some were of opinion, that there was no necessity of a sasine in an heritable office, but a naked constitution by writ was sufficient.

Spottiswood, p. 23.

* * This case is reported by Auchinleck:

My Lord Lindsay's sasine of the regality of St. Andrew's by North Forth, taken at the cross of St. Andrew's, was alleged null, because the Bishop, granter of the infeftment, had no power to make an union, or give power to take sasine at a certain place for all his regality, in which there are divers baronies lying discontinuous. To which it was answered, That although no subject, but the King, can make an union of land, yet the office of Bailiery being *quid inseparabile*, may be taken by a sasine at any part appointed by the Bishop: Which the Lords sustained.

Auchinleck MS. p. 211.

1630. November 16. L. CLACKMANAN *against* ALLARDES.

No. 8.

In a poining of the ground of the lands and barony of Balnamoon, for an annual-rent, which was disposed to Clackmanan by Balnamoon, to be uplifted out

Manner in which union is constituted, and its effects.