

1686. *December 1.*ALEXANDER HAMILTON *against* SIR JOHN RAMSAY.

No. 14.

Alexander Hamilton, macer, pursues Sir John Ramsay of Whitehill, and David Plenderlieth of Blyth, writer, for declaring, that they, their lands and tenants, are astricted to the mill of Newlands, as being the Abbot of Newbottle's mill there, and they being vassals and feuers of the Abbacy. Alleged, They bruik by old feus, prior to his right, containing no astrictions; and his infestments do not *per expressum* mention their lands; *2do*, His sasine is null, bearing only the symbol of tradition of earth and stone, whereas a mill is *distinctum tenementum*, and requires delivery of the clap and happer. Answered, That his charter bears a dispensation to take infestment at the manor-place of Coldcoats for the whole. Replied, This was not sufficient, seeing it was not erected into a barony. The Lords, on Saline's report, sustained his sasine as a sufficient active title.

Fountainhall, v. 1. p. 432.

1725. *January.* EARL of BUCHAN *against* DUFF.

No. 15.

By a charter from the Crown, the several baronies, lands, &c. belonging to the Lord Auchterhouse, were united into the earldom of Buchan, with a dispensation for taking infestment of the whole at the castle of Bamff. This castle being afterwards dissolved from the earldom by alienation, a sasine of the earldom taken thereat as formerly was found null.—See APPENDIX.

Fol. Dic. v. 2. p. 496.

1729. *July.* BANK of SCOTLAND *against* RAMSAY.

No. 16.

Two feus belonging to different vassals, but lying contiguous, and contained both in one superior's charter, having been purchased in by one person, it was argued, That this naturally made an union, so as to be in the power of the purchaser, by giving infestment in any one spot, to make it extend over both tenements; which was repelled, in respect, that though the tenements lying contiguous were naturally united in the superior's person, who possessed them both by one title, it was not so with the vassal, who possessing them by distinct titles, derived from different authors, as to him they were no more united than if lying from one another at the greatest distance.—See APPENDIX.

Fol. Dic. v. 2. p. 496.

Whether Lands remain united in the Person of a Singular Successor? See
PERSONAL AND TRANSMISSIBLE.

See APPENDIX.