

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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any of such Clauses in the Form, or as nearly as may be in the Form, set forth in Schedule (A.) hereunto annexed; and all or any of such Clauses, if so inserted in any such Disposition or Conveyance or other Deed or Instrument, shall be as valid, effectual, and operative to all Intents, Effects, and Purposes as if they had been expressed in the fuller Mode or Form now generally in Use.

Explanation of the Import of the Clause of Obligation to infeft.

II. And be it enacted, That the Clause of Obligation to infeft, if the Clause shall be limited to an Obligation to infeft *a me* only, shall be held to imply an Obligation on the Disponer to infeft the Disponee and his Heirs and Assignees in the Subjects conveyed upon their own Expences, to be holden from the Disponer and his Heirs and Successors of and under their immediate lawful Superiors in the same Manner as the Disponer himself, or his Predecessors or Authors, held, hold, or might have holden the same, and that either by Resignation or Confirmation, or both, the one without Prejudice of the other; and the Obligation to infeft, if granted to be holden *a me vel de me*, shall be held to imply an Obligation on the Disponer to infeft the Disponee and his Heirs and Successors upon their own Expences by Two several Infeftments and Manners of holding, one thereof to be holden of the Disponer and his Heirs and Successors in Free Blench for Payment of a Penny *Scots* in Name of Blench Farm at *Whitsunday* yearly upon the Ground of the Lands, if asked only, and freeing and relieving him and them of all Feu Duties, and other Duties and Services exigible out of the said Lands and others, by their immediate lawful Superiors thereof, and the other of the said Infeftments to be holden from the Granter and his foresaids of and under their said immediate lawful Superiors in the same Manner as the Granter, or his Predecessors or Authors, held, hold, or might have holden the same, and that either by Resignation or Confirmation, or both, the one without Prejudice of the other.

Explanation of the Import of other Clauses in Schedule (A.)

III. And be it enacted, That the Clause for resigning the Lands shall be held and taken to be equivalent to a Procuratory of Resignation in the Terms now in Use, and in the Case of Conveyances by a Vassal to his Superior as equivalent to a Procuratory of Resignation *ad remanentiam;* and the Clause of Assignation of Writs and Evidents, unless specially qualified, shall be held to import an absolute and unconditional Assignation to such Writs and Evidents, and to all open Procuratories and Precepts therein contained to which the Disponer has Right; and the Clause of Assignation of Rents, unless specially qualified, shall be held to import Assignation to the Rents to become due for the Possession following the Term of Entry, according to the legal and not the conventional Terms, unless in the Case of forehand Rents, in which Case it shall be held to import an Assignation to the Rents payable at the conventional Terms subsequent to the Date of Entry; and the Clause of Warrandice, unless specially qualified, shall be held to imply absolute Warrandice as regards the Lands, and Writs and Evidents and Warrandice from Fact and Deed as regards the Rents; and the Obligation to free and relieve from Feu Duties, Casualties, and public Burdens, unless specially qualified, shall be held to import an Obligation to relieve of all Feu Duties or other

other Duties and Services or Casualties payable to the Superior, and of all public, parochial, and local Burdens due from or on account of the said Lands, prior to the Date of Entry; and the Clause of Consent to Registration, unless specially qualified, shall import a Consent to Registration and a Procuratory of Registration in the Books of Council and Session, or other Judges Books competent, therein to remain for Preservation, and also, if for Execution, that Letters of Horning and all necessary Execution shall pass thereon upon Six Days Charge, on a Decree to be interponed thereto in common Form.

Conditions of Entail may be referred to as already in the Register of Entails or Register of Sasines

IV. And be it enacted, That in all Cases where Lands or other Heritages are or shall hereafter be held under a Deed of Entail, it shall be lawful and competent, in Dispositions and Conveyances of such Lands, and in the Procuratories, Charters, Precepts of Clare constat, Decrees of Adjudication, Instruments of Sasine, and all other Deeds and Instruments of what Nature soever necessary to transmit, renew, or complete a Title under such Entail in such Lands, to omit the full Insertion of the Conditions and Provisions, and prohibitory, irritant, and resolutive Clauses, of such Deed of Entail, provided such Conditions and Provisions, and prohibitory, irritant, and resolutive Clauses, shall be in such Dispositions and Conveyances, Procuratories, Charters, Precepts of Clare constat, Decrees of Adjudication, Instruments of Sasine, and other Deeds and Instruments aforesaid, specially referred to as set forth at full Length in the recorded Deed of Entail, if the same shall have been recorded in the Register of Tailzies, or as set forth at full Length in any recorded Instrument of Sasine forming Part of the Progress of Title Deeds of the said Lands under the said Entail, such Reference being made in the Terms, or as nearly as may be in the Terms, set forth in Schedule (B.) hereunto annexed; and the Reference thus made to such Conditions and Provisions, and prohibitory, irritant, and resolutive Clauses, shall be held to be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever, whether *inter hæredes* or with Third Parties, have the same legal Effect as if the same had been inserted exactly as they may be expressed in the recorded Deed or Instrument referred to, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding the Enactments or Provisions to the contrary contained in an Act of the Parliament of *Scotland* made in the Year One thousand six hundred and eighty-five, intituled *Act concerning Tailzies*, or any other Act or Acts of Parliament now in force, all which are hereby repealed to the Extent of making this Act operative, but no further.

Real Burdens may be referred to as already in the Register of Sasines.

V. And be it enacted, That in all Cases where Lands or other Heritages are or shall hereafter be held under any Real Burdens or Conditions or Limitations whatsoever appointed to be fully inserted in the Investitures of such Lands, it shall, notwithstanding such Appointment, and notwithstanding any Law or Practice to the contrary now existing, be lawful and competent, in Dispositions and Conveyances of such Lands, Procuratories, Charters, Precepts of Clare constat, Decrees of Adjudication, Instruments of Sasine, and other

other Deeds and Instruments of what Nature soever necessary to transmit, renew, or complete the feudal Title thereto, to omit the full Insertion of such Real Burdens or Conditions or Limitations, provided such Real Burdens or Conditions or Limitations shall, in such Dispositions and Conveyances, Procuratories, Charters, Precepts of Clare constat, Decrees of Adjudication, Instruments of Sasine, and other Deeds and Instruments aforesaid, be specially referred to as set forth at full Length in the recorded Instrument whether of Sasine or of Resignation *ad remanentiam* wherein the same were first inserted, or in any recorded Instrument of Sasine of subsequent Date forming Part of the Progress of Titles of the said Lands, such Reference being made in the Terms, or as nearly as may be in the Terms, set forth in Schedule (C.) hereunto annexed; and the Reference thus made to such Real Burdens or Conditions or Limitations shall be held to be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever, whether with the Disponer or Superior or Third Parties, have the same legal Effect as if the same had been inserted exactly as they may be expressed in the recorded Instrument referred to, notwithstanding any Law or Practice to the contrary, and notwithstanding any Act or Acts of Parliament to the contrary which are hereby repealed to the Effect of making this Enactment operative, but no further.

Superior may be compelled to grant Entries by Confirmation.

VI. And whereas the Entry of Heirs and Disponees by Charter of Confirmation from the Superior is in daily Use and Practice, and such Form and Mode of Entry is in many Cases more convenient than Entry by Resignation, without being of Prejudice to the Interests of the Superior; be it enacted, That where any Person shall be infeft in Lands or Heritages in *Scotland* holden of a Subject Superior upon a Disposition or other Deed of Conveyance granted by the Person last entered and infeft, or granted by a Person whose own Title to such Lands and Heritages is capable of being made public by Confirmation according to the existing Law and Practice, which Disposition shall contain an Obligation to infeft *a me* or *a me vel de me*, or upon a Decree of special Service, or upon a Decree of Adjudication or of Sale, containing a Warrant of Infeftment in Terms of this Act, it shall be lawful and competent for such Person, upon Production to the Lord Ordinary on the Bills in the Court of Session of his Sasine in the said Lands and Warrants of the same, and upon showing the Terms and Conditions under which the said Lands are holden of the Superior thereof, to obtain Warrant for Letters of Horning to charge the Superior to grant in favour of such Party a Charter of Confirmation in the same Way and Form as is provided and in Use for compelling Entry by Resignation: Provided always, that the Charger shall at the same Time pay or tender to such Superior such Duties or Casualties as he is by Law entitled to receive upon the Entry of the Charger; and that it shall be lawful for every such Superior to show Cause why he ought not to be compelled to give Obedience to such Charge by offering a Note of Suspension to the Court of Session in the usual Manner: Provided also, that such Superior shall be entitled to insert in the Charter to be granted by him the Clauses of Tenendas and Reddendo contained in the former Charters of such Lands and Heritages, and all other Clauses

and Conditions contained therein, in so far as the same are usual and necessary, and are not set forth in such Instrument of Sasine, or duly referred to in Terms of this Act, or of an Act passed in the present Session of Parliament, intituled *An Act to amend the Law and Practice of* Scotland *as to the Service of Heirs:* Provided also, that where such Clauses and Conditions are set forth in such Instrument of Sasine, or duly referred to in Terms of this Act, or any other Act, the same shall not, without the Vassal's Consent, be repeated at Length in such Charter of Confirmation. 10 & 11 Vict. c. 47.

Charters of Confirmation in the Form of Schedule (D.) to imply a general Confirmation of all the Title Deeds of the Lands.

VII. And be it enacted, That where any Charter of Confirmation, whether granted by Her Majesty or Her Royal Successors, or by the Prince of *Scotland*, or by a Subject Superior, shall confirm the Lands therein contained themselves, and the Instrument of Sasine therein in favour of the Person receiving such Charter, such Charter may be expressed in the Form set forth in Schedule (D.) hereunto annexed, and in whatever habile Form expressed shall be held to confirm in favour of such Person, so far as regards such Lands, the whole Dispositions and Instruments of Sasine, and other Deeds, Instruments, and Writings of and concerning the same necessary to be confirmed in order to complete such Person's Investiture in the Lands as immediate Vassal of such Superior, and that although such Deeds, Instruments, and Writings may not be enumerated or set forth in such Charter.

Where Superior's Title incomplete, Owner may in certain Cases apply to Lord Ordinary on the Bills to ordain him to complete his Title and grant an Entry, under pain of Forfeiture.

VIII. And whereas the Remedy afforded for obtaining an Entry under the present Procedure by Declarator of Tinsel of Superiority is in many respects defective; be it enacted, That where the Person having Right to the Superiority of any Lands, which Superiority is not defeasible at the Will of the Vassal or Disponee, shall not have completed his feudal Title thereto so as to enable him to enter any Heir or Disponee of the Vassal last publicly infeft in the said Lands, or any Adjudger or other Party deriving Right from him, and where such Heir, Disponee, Adjudger, or other Party, if such Person had been infeft in the Superiority, would have been entitled to compel Entry in virtue of this Act, or of an Act passed in the Twenty-eighth Year of the Reign of His Majesty King *George* the Second, or otherwise, it shall be competent to such Heir, Disponee, Adjudger, or other Party, provided the annual Reddendo attached to such Superiority shall not exceed Five Pounds Sterling in Value or Amount, to present a Petition to the Lord Ordinary on the Bills in the Form, or as nearly as may be in the Form, given in Schedule (E. N° 1.) hereunto annexed, praying for Warrant of Service on such Person, and for Decree in the Terms set forth in such Petition, and the Lord Ordinary on the Bills shall pronounce an Order for Service of such Petition in Terms, or as nearly as may be in Terms, of the Interlocutor given in Schedule (E. N° 2.) hereunto annexed; and if after such Service, and the Expiration of the Days of Intimation, such Person shall not comply with the Demand of the Petition by completing his Title and granting Entry to the Petitioner as aforesaid, or shall not show reasonable Cause to the Lord Ordinary why he delays or refuses so to do, he shall for himself and his Heirs, whether of Line, Conquest, Taillie, or Provision, forfeit and amit all Right

to the said Superiority, and the Lord Ordinary shall pronounce Decree or Judgment accordingly to the Effect of entitling the Petitioner, and his Heirs and Successors in the said Lands in all Time thereafter, to hold the same as Vassals immediately of and under the next Over-superior by the Tenure and for the Reddendo by and for which the forfeited Superiority was held, all in the Form, or as nearly as may be in the Form, given in Schedule (E. N° 3.) hereunto annexed; and such Decree or Judgment, when extracted and recorded in the Register of Sasines appropriate to the Lands, shall be held absolutely to extinguish such Right of Superiority, and shall enable the Petitioner to apply to such Over-superior, as his immediate Superior, for an Entry accordingly; and it is hereby provided, that in the renewed Investiture to be so obtained by the Petitioner under the Authority of the said Decree, the Tenendas and Reddendo contained in the Title Deeds of the forfeited Superiority shall be inserted in room of those contained in the Investiture of the Petitioner's Predecessor or Author, and the Lands shall be held by the Petitioner and his Successors according to the Tenure of the forfeited Superiority in all Time thereafter; and the Charter or Precept in the Petitioner's Favour shall be expressed as nearly as may be in one or other of the Forms given in Schedule (I.) hereunto annexed.

Or Owner may, in such Case, apply to Lord Ordinary on the Bills to authorize Application for an Entry to the Crown or Prince or mediate Superior as in Vice of the recusant Superior.

IX. And be it enacted, That if in the Case aforesaid the annual Reddendo shall exceed in Value or Amount the Sum of Five Pounds Sterling, or, in the Option of the said Heir, Disponee, Adjudger, or other Party, whether the said annual Reddendo shall exceed the said Sum of Five Pounds Sterling or not, it shall be lawful for such Heir, Disponee, Adjudger, or other Party to present a Petition to the Lord Ordinary on the Bills in the Form, or as nearly as may be in the Form, of Schedule (F. N° 1.) hereunto annexed, praying for Warrant and Decree as there set forth, and the Lord Ordinary shall pronounce an Order for Service in the Terms or as nearly as may be in the Terms of the Interlocutor given in Schedule (F. N° 2.) hereunto annexed; and if after such Service and Expiration of the Days of such Charge such Person shall not comply with the Demand of the Petition by completing his Title and granting Entry to such Petitioner as aforesaid, or shall not show reasonable Cause to the Lord Ordinary why he delays or refuses so to do, he shall for himself and his Heirs, whether of Line, Conquest, Taillie, or Provision, forfeit and amit all Right to the Dues and Casualties payable on the Entry of such Petitioner, who shall also be entitled to retain his Feu Duties or other annual Prestations until fully paid and indemnified for all the Expences of the Petition and Procedure thereon, and all the Expences of completing his Title in Terms of this Act; and the Lord Ordinary shall pronounce interim Decree to that Effect, and grant interim Warrant for such Petitioner applying for and obtaining an Entry from the Crown or Prince of *Scotland*, or, in the Option of the Petitioner, from the mediate Over-superior as acting in the Vice of such Superior, all in the Form, or as nearly as may be in the Form, given in Schedule (F.), N° 3., hereunto annexed; and such Petitioner shall be entitled forthwith to lodge, along with an Extract of the said Decree, in the Office of the Presenter

senter of Signatures, a Draft of a proposed Charter or Precept from the Crown or Prince as in Vice of such Superior, with a short Note in Terms of the Act passed in the present Session of Parliament, to alter and amend the Practice in *Scotland* with regard to Crown Charters and Precepts from Chancery; and such Charter or Precept, for which the said Extract Decree shall be a sufficient Warrant, may be in the Form given in the Schedule (H.) hereunto annexed, and shall be as effectual as if granted by the mediate Superior of the Feu when duly infeft in the Superiority; and when there is a mediate Over-superior such Extract Decree shall, in the Option of the Petitioner, be directed against such mediate Over-superior, and shall be a sufficient Warrant for Letters of Horning to charge such Over-superior to enter the Petitioner by granting a valid Charter or Precept as in Vice of such Superior; and after Completion of his Title such Petitioner shall be entitled, if he thinks fit, to lodge, as Part of the Proceedings under the said Petition, an Account of the Expences of that Process, and of completing his Title, and the Lord Ordinary shall, if required on the Part of such Petitioner, modify the Amount thereof, and decern for Retention as aforesaid, in the Form given in Schedule (F.), N° 4., hereunto annexed.

Lands to be held temporarily of the Crown or Prince or mediate Superior.

X. And be it enacted, That the Lands and others contained in such Charter or Precept to be so obtained shall be holden of the Crown or Prince, or the mediate Over-superior, as in the Vice of the unentered immediate Superior, while and so long as he and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry in favour of the Vassal or his Successors shall become requisite.

The Party in Right of the Superiority may lodge a Minute tendering Relinquishment of his Right, and if accepted by the Petitioner, the Lord Ordinary may interpone his Authority.

XI. And be it enacted, That when a Petition shall be presented as aforesaid praying for Warrant of Service and for Decree against any Person so having a Right to the Superiority of any Lands, and not having completed his feudal Title thereto, whether the annual Reddendo shall be above or below the Value or Amount of Five Pounds Sterling, it shall be competent for him at any Time before Expiration of the Days of Intimation, or before interim Decree shall have been extracted as aforesaid, to lodge, as Part of the Proceedings under such Petition, a Minute, signed by himself or by his Mandatory or Agent, duly authorized by him in Writing, stating that he tenders Relinquishment of the Right of Superiority which he holds on Apparency in favour of the Petitioner and his Heirs and Successors, and such Minute shall be in the Form, or as nearly as may be in the Form, given in Schedule (G.), N° 1., hereunto annexed; and if the Petitioner shall by himself or his Counsel or Agent subscribe or endorse upon such Minute an Acceptance of the same in the Form given in Schedule (G.), N° 2., hereunto annexed, the Lord Ordinary is hereby authorized and required, on the Petitioner's Motion, to interpone his Authority to such Minute and Acceptance, and to decern and declare the Right of Superiority thus relinquished to be extinguished, to the Effect of making the Petitioner and his Successors in the said Lands hold the Lands as Vassals immediately of and under the Superior of the relinquished Superiority in Permanency and by the Tenure and for the Reddendo by and for which such relinquished

relinquished Superiority was held, the Decree so to be pronounced to be in the Form, or as nearly as may be in the Form, of Schedule (G.), N° 3., hereunto annexed; and the said Decree, when extracted and recorded in the Register of Sasines appropriate to the Lands, shall entitle the Petitioner and his foresaids to apply for an Entry to such Superior accordingly as his immediate Superior; and in the renewed Investiture to be obtained by the Petitioner under the Authority of the said Decree, the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted in room of those contained in the Investiture of the Petitioner's Predecessor or Author, and the Lands shall be held by himself and his Successors according to the Tenure of the relinquished Superiority in all Time thereafter; and the Charter or Precept, as the Case may be, in the Petitioner's Favour may be expressed in one or other of the Forms given in Schedule (I.) hereunto annexed; but nothing herein contained shall be held as rendering it imperative on the Petitioner to accept of the offered Relinquishment, and to take the Place of his immediate Superior, it being hereby provided, that if he prefers it he shall be entitled to refuse the same, and to complete his Title by Entry from the Crown or Prince of *Scotland*, or the mediate Over-superior, as in the Vice of his immediate Superior.

Over-superior's Rights not to be extended or affected.

XII. And be it enacted, That the Investiture thus completed upon the Forfeiture of such Heir Apparent, or upon the Relinquishment of the Superiority by such Heir Apparent, and Acceptance by the Petitioner, shall in all respects, and to all Intents and Purposes, be as effectual as if such apparent Heir had completed his Titles to the Superiority, and thereafter conveyed the same to the Petitioner, and the latter, after completing his Titles under the Over-superior, had resigned *ad remanentiam* in his own Hands: Provided always, that the Title so completed shall not in any respect extend the Interests of such Over-superior, and that he shall be entitled to no more than the Casualties, whether taxed or untaxed, to which he would have been entitled if such apparent Heir had remained his Vassal.

Vassal obtaining or accepting Forfeiture or Relinquishment of Superiority to be liable for its Value, but Forfeiture or Relinquishment not to infer Representation.

XIII. Provided always, and be it enacted, That in the Case of such Forfeiture or Relinquishment of Superiority by any apparent Heir in manner above mentioned, the Vassal obtaining or accepting the same, and making up Titles under the Over-superior, shall be liable, but subject always to Retention of Expences as aforesaid, for the Value of the said Superiority to the said Heir Apparent, or any Person in his Right, or having Interest, as accords of Law; and such Forfeiture or Relinquishment by such Heir Apparent shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price, if any, which he may receive for such Forfeiture or Relinquishment; and the Vassal, if he accepts thereof, shall not be accountable in any Case for more than the Value or Price of the forfeited or relinquished Right.

Forfeiture to take effect and Relinquishment

XIV. Provided always, and be it enacted, That such Forfeiture, whether of the Right itself, of Superiority, or of the Dues and Casualties payable on the Entry of such Petitioner, shall take effect,

and such Relinquishment shall be lawful and competent, although the Superiority shall form Part of an Estate held under Prohibitions against Alienation, or under Clauses prohibitory, irritant, and resolutive of Entail; but such Forfeiture, if incurred, or such Relinquishment, if made, shall not be construed as nor be held or taken to imply any Contravention of such Prohibition against Alienation, or of such Clauses prohibitory, irritant, and resolutive of Entail, any thing contained in the Deeds forming the Investiture of such Estate of Superiority, or in the said recited Act of the *Scottish* Parliament, notwithstanding; and the Price or Value of such Superiority, when relinquished, shall be applicable and applied in such and the like Manner, and to such and the like Purposes, as Purchase Money or Compensation coming to Parties having limited Interests is made applicable under the Lands Clauses Consolidation (*Scotland*) Act, 1845; and in the event of the Petitioner holding his Estate under Entail, such Price or Value paid for the relinquished Superiority shall be taken and held to be Entailer's Debt, and all Remedies competent to the Creditor for Recovery of Entailer's Debt, and all Remedies, Powers, and Faculties competent to an Heir of Entail in possession for Payment of Entailer's Debt, whether at Common Law, by Statute, or otherwise, shall be competent to such Creditor and to such Petitioner, and their Heirs and Representatives respectively.

lawful although Superiority form Part of an Estate held under Prohibitions against Alienation, &c.

XV. And whereas by the Law of *Scotland* as now existing a Precept of Clare constat from a Subject superior to his Vassal is held to lapse and become ineffectual if Sasine is not passed thereon in the Lifetime of the Granter, which is attended with Inconvenience; be it enacted, That all Precepts of Clare constat already made and granted, and still subsisting in force, and all Precepts of Clare constat to be made and granted hereafter, shall, notwithstanding the Death of the Granter thereof, remain in full Force and Effect during the whole Lifetime of the Grantee, and shall continue effectual as a Warrant for giving Infeftment to the Grantee in Terms thereof at any Time during the Grantee's Life.

Precepts of Clare constat not to fall by Death of the Granter.

XVI. And be it enacted, That it shall no longer be competent to use Letters of general Charge or special Charge or general special Charge, but in an Action of Constitution of an Ancestor's Debt or Obligation against his unentered Heir the Citation on and Execution of the Summons in such Action shall be held to imply and be equivalent to a general Charge, the Induciæ of which shall expire with the Induciæ of such Summons, and shall infer the like Certification with such general Charge; and it shall thereafter be competent to adopt under such Summons the same Procedure, in all respects, and to pronounce the same Decree, which would have been competent had such Summons been preceded by Letters of general Charge duly executed against such Heir according to the Law and Practice heretofore in Use, which Decree shall be a valid Decree of Constitution; and in an Action of Adjudication against such Heir following on such Decree of Constitution, or in an Action of Adjudication against an unentered Heir founded on his own Debt or Obligation, the Citation on and Execution of the Summons of Adjudication shall be held to imply and be equivalent to a special Charge or general special Charge,

General and special and general special Charges to be no longer competent.

as the Circumstances may require, the Induciæ of which Charge shall expire with the Induciæ of such Summons, and shall infer the like Certification with such special Charge or general special Charge, as the Case may be; and it shall thereafter be competent to adopt under such Summons the same Procedure in all respects, and to pronounce the same Decree, which would have been competent had such Summons been preceded by Letters of special Charge or general special Charge, as the Case may be, duly executed against such Heir according to the Law and Practice heretofore in Use, which Decree shall be a valid Decree of Adjudication; and in an Action of Constitution and Adjudication combined in the same Summons against an unentered Heir, it shall be competent to adopt the same Procedure in all respects, and to pronounce the same Decree, which would have been competent had such Summons been preceded by Letters of general Charge duly executed against such Heir according to the Law and Practice heretofore in Use; and in such combined Action of Constitution and Adjudication it shall be competent to pronounce Decree of Constitution and Adjudication in one and the same Interlocutor, and to extract the same in one and the same Extract, which Decree shall be a valid Decree of Constitution and Adjudication; any thing in an Act of the Parliament of *Scotland* passed in the Year One thousand five hundred and forty, and in another Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and twenty-one, or in any other Act of Parliament, or any Law or Practice, to the contrary notwithstanding, the said Acts being hereby repealed to the Extent of making these Enactments operative, but no further.

Bill for Summonses of Adjudication and of Sale abolished.

XVII. And be it enacted, That it shall no longer be necessary that a Summons of Adjudication or of Ranking and Sale be preceded by a Bill, such Bill being hereby abolished.

Unnecessary to libel and conclude for Decree of special Adjudication.

XVIII. And whereas it has been found inconvenient in Practice to libel and conclude for general Adjudication of Lands as the Alternative only of special Adjudication in Terms of an Act of the Parliament of *Scotland* passed in the Year One thousand six hundred and seventy-two; be it enacted, That it shall no longer be necessary to libel or conclude for special Adjudication, and it shall be lawful to libel and conclude and decern for general Adjudication without such Alternative, any thing in the said last-mentioned Act or in any other Act of Parliament to the contrary notwithstanding, the said last-mentioned Act and such other Acts being hereby repealed to the Effect of making this Enactment operative, but no further.

Decrees of Adjudication and of Sale to contain Warrant for Infeftment a me vel de me, and Infeftment may follow accordingly.

XIX. And whereas a Party who has obtained Decree of Adjudication or Decree of Sale is frequently exposed to Inconvenience from the Delay which may occur in obtaining Infeftment; be it enacted, That in all Cases it shall be lawful for the Judges of the Court of Session, when pronouncing Decree of Adjudication, whether for Debt or in Implement, or Decree of Sale, to grant Warrant in Terms, or as nearly as may be in Terms, of Schedule (K.) hereunto annexed, for infefting the Adjudger or Purchaser, and his Heirs and

Successors, in the Lands and others contained in such Decree, to be holden by them alternatively by Two several Infeftments and Manners of Holding, one thereof to be holden of the Party adjudged from and his Heirs in Free Blench for Payment of a Penny *Scots* in Name of Blench Farm at *Whitsunday* yearly upon the Ground of the said Lands, if asked only, and freeing and relieving the Party adjudged from and his Heirs of all Feu Duties and Services exigible out of the said Lands by their immediate lawful Superiors thereof, and the other of the said Infeftments to be holden from the Party adjudged from and his Heirs of and under their immediate lawful Superiors in the same Manner that the Party adjudged from, his Predecessors and Authors, held or might have holden the same, and that by Confirmation; and the Adjudger or Purchaser, and his foresaids, shall, in virtue of such Decree of Adjudication or Decree of Sale, be entitled to complete their Title by obtaining Charter of Adjudication or of Sale from the Superior of the Lands and passing Infeftment thereon, or, where the Person adjudged from is entered with his Superior or in a Situation to charge such Superior under the Powers herein contained to grant Entry by Confirmation, by taking Infeftment in virtue of the Warrant contained in such Decree, which Infeftment may be in the Form given in Schedule (L.) hereunto annexed, and shall with the Decree of Adjudication or of Sale be an effectual feudal Investiture in the said Lands in Terms of such Decree, holding Base of the Party adjudged from and his Heirs, until Confirmation thereof shall be granted by the immediate Superior of the Lands, or his Successors, in the same Manner and to the same Effect as if the Party adjudged from had granted a Disposition of the Lands to the Adjudger or Purchaser in the Terms of the Decree of Adjudication or of Sale, with an Obligation to infeft *a me vel de me*, to be completed by Confirmation, and a Precept of Sasine, and the Adjudger or Purchaser had been infeft on such Precept; and the Effect of the Charter of Confirmation of the Sasine thus proceeding on such Decree of Adjudication or Decree of Sale shall be to make the Lands hold immediately of and under such Superior; but the Right of the Superior to the Composition payable by an Adjudger or Purchaser as due under the existing Law is hereby reserved entire, and the Adjudger or Purchaser, or his foresaids, by passing Infeftment on the Decree of Adjudication or of Sale in manner above mentioned, shall become indebted in such Composition to the Superior, and shall be bound to pay the same upon the Superior's tendering a Charter of Confirmation, whether such Charter shall be accepted or not, and the Superior shall be entitled to recover Payment of such Composition as accords of Law; and it is hereby provided that the Sasine on such Decree of Adjudication, duly recorded, shall, without Prejudice to any other Diligence or Procedure, be of itself sufficient to make the Adjudication effectual in all Questions of Bankruptcy or Diligence: Provided always, that where the Charter, Contract, or other Deed by which the Vassal's Right is constituted contains a Prohibition against Subinfeudation or Alternative holding, such Decree and Sasine shall, notwithstanding any such Prohibition, form a valid feudal Investiture in favour of such Adjudger or Purchaser and their foresaids, but without Prejudice to the Right of the Superior to require such Adjudger or Purchaser,

or

or his foresaids, to enter forthwith as accords of Law, and to deal with such Adjudger or Purchaser, or his foresaids, as with a Vassal unentered.

Judgment of Lord Ordinary on the Bills subject to Review of Inner House, and Judgments in certain Cases to be final.

XX. And be it enacted, That any Judgment pronounced by the Lord Ordinary in virtue of this Act shall be subject to Review by a reclaiming Note in ordinary Form; but the Judgment of the Lord Ordinary, if not so brought under Review, and the Judgment of either Division of the Court upon such reclaiming Note, whether such Judgments shall have been pronounced in absence of the Respondent or not, shall be final and conclusive, and not subject to Review by Appeal to the House of Lords, or by Reduction, or in any other Mode or Form whatever; and it shall be competent to the Lord Ordinary, or to either Division of the Court reviewing any Judgment of the Lord Ordinary, if it shall appear to him or them to be just in the whole Circumstances of the Case, to find and decern in ordinary Form for the Expences of any Proceedings under this Act against the Petitioner or Respondent personally.

Court of Session may make Acts of Sederunt.

XXI. And be it enacted, That it shall be lawful to the Court of Session to pass such Act or Acts of Sederunt as the Court may deem proper for carrying into effect the Purposes of this Act.

Interpretation Clause.

XXII. And be it enacted, That in construing this Act, except where the Nature of the Provision or the Context of this Act shall be repugnant to such Construction, the Words "Superior," "Vassal," "Granter," "Grantee," "Disponer," and "Disponee," shall extend to and include the Heirs, Successors, and Representatives of such Superior, Vassal, Granter, Grantee, Disponer, or Disponee respectively; and the Word "Lands" shall extend to and include Teinds, Fishings, Houses, Lands, Tenements, and Heritages of every Description; and the Word "Charter" shall include Charters from the Crown and Prince as well as from Subject Superiors; and all Words used in the Singular Number shall be held to include several Persons or Things; and Words in the Plural shall include the Singular Number; and all Words importing the Masculine Gender shall extend and be applied to Females as well as Males.

Act when to take effect.

XXIII. And be it enacted, That this Act shall take effect from and after the Thirtieth Day of *September* One thousand eight hundred and forty-seven.

Act may be amended, &c.

XXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

After the inductive and dispositive Clauses the Deed may proceed thus:— "With Entry at the Term of [*here specify the Date of Entry*]; and I oblige myself to infeft the said [*here insert the Name of the Disponee*] and his foresaids, to be holden a me [*or* de me, *or* a me vel de me, *as the Case may be*]; and I resign the said Lands and others for new Infeftment; and I assign the Writs, and have delivered the same according to Inventory; and I assign the Rents; and I bind myself to free and relieve the said [*here insert the Name of the Disponee*] and his foresaids of all Feu Duties, Casualties, and public Burdens; and I grant Warrandice; and I consent to Registration hereof for Preservation [*or* for Preservation and Execution]. Moreover, I desire any Notary Public to whom these Presents may be presented to give to the said [*here insert the Name of the Disponee*] or his foresaids Sasine [*or* Liferent Sasine, *or* Sasine in Liferent and Fee respectively, *as the Case may be*,] of the Lands and others above disponed. In witness whereof [*here insert a Testing Clause in the usual Form*]."

Note.—The Clauses are assumed here as occurring in a Disposition, but they may be used in other Deeds and Instruments; and in the event of its being necessary to omit, vary, or qualify any One or more of them, this may be done and the other Clauses may be retained.

SCHEDULE (B.)

Instead of inserting the Conditions of Entail at Length, these may be referred to as follows; viz. — "But always with and under the Conditions, Provisions, Reservations, and Clauses prohibitory, irritant, and resolutive, specified and contained in a Disposition and Deed of Entail [*or*, in the said Disposition and Deed of Entail, *if it has been previously referred to*,] of the said Lands and others, executed by the deceased *E. F.*, bearing Date the Day of in the Year and recorded in the Register of Tailzies on the Day of in the Year [*or* in an Instrument of Sasine in the said Lands and others in favour of *G. H.*, recorded in the [*here mention the Register in which the Sasine is recorded*] upon the Day of in the Year]."

And in subsequent Clauses of the Deed in which it is requisite or usual to refer again to the Conditions of the Entail the Reference may be made thus:— "But always with and under the Conditions, Provisions, Reservations, and Clauses prohibitory, irritant, and resolutive, before referred to."

SCHEDULE (C.)

Instead of inserting the Burdens, &c. at Length, these may be referred to as follows; viz.—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [*or such of these as may apply to the Case*] specified in an Instrument of Sasine in the said Lands and others [*here describe the Sasine in which the Burdens, &c. were first inserted, or any subsequent Sasine in which they are inserted, forming Part of the Progress of the Titles to the Lands, the Sasine being described by the Name of the Party in whose Favour it was passed, the Register in which it is recorded, and the Date of Registration; or, if it is previously referred to in the Disposition, say,* in the said Instrument of Sasine in favour of the said above referred to,]" *or if they are inserted in an Instrument of Resignation ad remanentiam, make a similar Reference to such Instrument.*

And in subsequent Clauses in which it is requisite or usual to refer again to the Burdens, &c., the Reference may be made thus:—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [*or such of these as may apply to the Case*] before referred to."

SCHEDULE (D.)

I *A.B.*, immediate lawful Superior of the Lands and others after mentioned, do hereby confirm for ever to and in favour of *C.D.* [*here name the Party in whose Favour the Charter is granted*], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here insert the Lands or other Heritages to be confirmed; and if under Burdens, &c., use the Form in Schedule (C.)*], and an Instrument of Sasine in the said Lands, and others in favour of the said *C.D.*, recorded in the [*here describe the Register in which the Instrument is recorded*] on the Day of *or of whatever other Date or Tenor the said Instrument of Sasine may be*, to be holden, the said Lands and others, immediately of me and my Successors, Superiors thereof, in Free Blench [*or*, in Feu Farm, *as the Case may be*,] for ever, paying therefor a Penny Scots yearly of Blench Duty, if asked only, [*or if held in Feu Farm specify the other Payments and Services.*] And I consent to the Registration hereof. In witness whereof [*here insert the Testing Clause in the usual Form*].

SCHEDULE (E.)

N° 1.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A.B.* humbly showeth, That by Disposition dated the granted by *C.D.* of the said *C.D.* disponed to the Petitioner

Petitioner all and whole [*here describe the Subjects as in the Disposition*], to be held of the Disponer's Superior, with Warrants of Resignation and Sasine.

That the Petitioner's Author, the said *C.D.*, held the said Lands and others of and under the late *E.F.* as his immediate lawful Superior for an annual Reddendo not exceeding in Value or Amount Five Pounds Sterling; that *G.H.* is the eldest Son [*or whatever other Relation he is*] and apparent Heir of the said *E.F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him; and the Petitioner now applies to your Lordship for Redress in Terms of the Act [*here mention this Act*], and produces the above-mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G. H.* personally, or at his Dwelling Place, [*here add a Prayer for edictal Citation in the usual Form, if the Party is furth of Scotland,*] and to ordain him within Thirty Days after the Date of such Service [*or* within Sixty Days, *if he be furth of Scotland, or in Orkney or Shetland,*] to procure himsel entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that, if he fail, he shall forfeit and amit all Right to the said Superiority; and in the event of the said *G. H.* failing so to complete his Title and grant Entry to the Petitioner, or to show reasonable Cause why he delays or refuses so to do, to find and declare that the said *G. H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the said Lands and others in all Time coming as Vassals immediately of and under the next Over-superior by the Tenure and for the Reddendo by and for which the forfeited Superiority was held. According to Justice, *&c.*

Note.—The above Form is applicable to the Case where the Petitioner requires a Charter of Resignation. In other Cases the Form must be varied, so far as necessary, to suit the Circumstances.

N° 2.

The Lord Ordinary grants Warrant to Messengers-at-Arms to serve the said Petition and this Deliverance on the said *G. H.* as prayed for, and ordains the said *G. H.*, within Thirty Days [*or* Sixty Days, *as the Case may be,*] after the Date of such Service, to procure himself entered and infeft in the Lands and others described in the Petition, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the said Superiority in Terms of the said Act.

N° 3.

N° 3.

The Lord Ordinary having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G. H.* has not shown Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, That the said *G. H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the Lands and others described in the Petition in all Time coming as Vassals immediately of and under the next Over-superior by the Tenure and for the Reddendo by and for which the said forfeited Superiority was held; grants Warrant to the Petitioner and his foresaids to apply for and obtain an Entry in the said Lands and others from the said Over-superior, in the Terms foresaid; and decerns and ordains the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (F.)

N° 1.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A. B.* humbly showeth, That by Disposition dated the granted by *C. D.* of the said *C. D.* disponed to the Petitioner all and whole [*here describe the Subjects as in the Disposition*], to be held of the Disponer's Superior, with Warrants of Resignation and Sasine.

That the Petitioner's Author, the said *C.D.*, held the said Lands and others of and under the late *E. F.* as his immediate lawful Superior; that *G. H.* is the eldest Son [*or whatever other Relation he is*] and apparent Heir of the said *E. F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him. The Petitioner now applies to your Lordship for Redress in Terms of the Act [*here mention this Act*], and produces the above-mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G. H.* personally, or at his Dwelling Place, [*here add a Prayer for edictal Citation in the usual Form, if the Party is furth of Scotland,*] and to ordain him within Thirty Days after the Date of such Service [*or* within Sixty Days, *if he be furth of Scotland, or in Orkney or Shetland,*] to procure himself entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner shall be entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other

Prestations, until fully paid and indemnified for all the Expences of this Petition and Procedure to follow hereon, and for all the Expences of completing the Petitioner's Title in Terms of the said Act; and thereafter, on resuming Consideration of this Petition, with or without Answers, to find and declare that the said *G. H.* has forfeited and amitted all Right to the Dues and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for all the Expences of this Petition, and of the Procedure to follow hereon, and for all the Expences of completing the Petitioner's Title in Terms of the said Act; and also to grant Warrant to the Petitioner to apply for and obtain an Entry in the said Lands and others from the Crown or Prince of Scotland, [*or I. K.*, the mediate Over-superior,] as acting in the Vice of the said *G.H.*, and to authorize Decree to the above Effect to be extracted ad interim; and thereafter, upon the Completion of the Petitioner's Title by an Entry from the Crown or Prince of Scotland [*or* such mediate Over-superior] as aforesaid, to remit the Accounts of the Expences of this Petition and Procedure hereon, and of the Expences of completing the Petitioner's Title, to the Auditor to tax the same, and to report, and to modify the Amount of the said Expences, and to decern for Retention of the Amount thereof as aforesaid, [*if the Parties have agreed to or are in Treaty for a Relinquishment add* "or in the event of the said *G. H.* relinquishing the Superiority to find, decern, and declare the same to be extinguished in manner and to the Effect expressed in the Statute,"] or to do otherwise in the Premises as to your Lordship shall seem just.—According to Justice, *&c.*

Note.—The above Form is applicable to the Case where the Petitioner requires a Charter of Resignation. In other Cases the Form must be varied, so far as necessary, to suit the Circumstances.

N° 2.

The Lord Ordinary grants Warrant to Messengers-at-Arms to serve the said Petition and this Deliverance on the said *G.H.*, as prayed for, and ordains the said *G.H.*, within Thirty Days [*or* Sixty Days, *as the Case may be*,] after the Date of such Service, to procure himself entered and infeft in the Lands, and others described in the Petition, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to show Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Petitioner's Entry, and this the Petitioner shall be entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for the Expences of the Petition and Procedure thereon, and for all the Expences of completing the Petitioner's Title in Terms of the said Act.

N° 3.

The Lord Ordinary having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G.H.* has not shown Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, That the said *G.H.* has forfeited and amitted all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for all the Expences of the said Petition and Procedure thereon, and for all the Expences of completing the Petitioner's Title; grants Warrant to the Petitioner to apply for and obtain an Entry in the Lands and others described in the Petition from the Crown or Prince of Scotland, [*or I.K.*, the mediate Over-superior,] as acting in Vice of the said *G.H.*, and decerns, and allows this Decree to go out and be extracted ad interim; and, on the Petitioner's Title being completed, appoints Accounts of the Expences of the Petition and Procedure thereon, and of completing the Title, to be lodged, and remits the same, when lodged, to the Auditor to tax and report.

N° 4.

The Lord Ordinary approves of the Auditor's Report on the Petitioner's Accounts of Expences, modifies the same to £ Sterling, and decerns against the said *G.H.* for Payment thereof to the Petitioner, by Retention, as prayed for [*or* personally against the said *G.H.*, *as the Case may be*].

SCHEDULE (G.)

N° 1.

Minute of Relinquishment by as Heir Apparent of in the Lands after mentioned in the Petition at the Instance of [*here name and describe the Petitioner*].

I *A.B.*, eldest lawful Son [*or whatever Relation he may be*] and nearest lawful Heir Apparent of *C.D.*, the Person last infeft in the Superiority of the Lands of [*here describe the Lands fully*], which Right of Superiority is holden immediately of and under the Crown [*or other Over-lord, as the Case may be*], do absolutely and gratuitously [*or if any Price paid, say* " in consideration of £ Sterling to be paid to me,"] relinquish and renounce the Superiority of the said Lands to which I hold Right as Heir Apparent aforesaid in favour of the Petitioner and his Successors in the said Lands. In witness whereof, *&c.* [*To be signed by the Party or by his Mandatory or Agent duly authorized in Writing and duly attested.*]

N° 2.

N° 2.

I accept Relinquishment in Terms of this Minute.

N° 3.

The Lord Ordinary interpones his Authority to the Minute of Relinquishment lodged by the Respondent, and decerns and declares the Right of Superiority thereby relinquished to be extinguished, to the Effect of giving Right to the Petitioner and his Successors to hold the Lands and others described in the Petition immediately of and under the Party who is Superior of the Feu now given up and extinguished, and by the Tenure and for the Reddendo by and for which the relinquished Feu was held, and decerns and appoints the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (H.)

N° 1.—*Charter of Confirmation.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby confirm for ever to and in favour of *A.B.* [*here name the Disponee*], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here describe the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule* (*C.*)], and an Instrument of Sasine in the said Lands and others in favour of the said *A.B.*, recorded in the [*here describe the Register in which the Instrument is recorded*], on the Day of or of whatever other Date or Tenure the said Instrument of Sasine may be; To be holden, the said Lands and others, of the Crown, as in room of *G H.* [*here name the Person against whom Decree has been obtained*], the eldest Son [*or whatever other Relation he may be*] of *E.F.* [*here name the Person last infeft in the Superiority*], who was last infeft in the immediate Superiority of the said Lands, in respect that the said *G.H.* having failed to complete his Title to the said Superiority, and to grant an Entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills, dated the
granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown, as acting in Vice of the said *G.H.*, and that while and so long as the said *G.H.* and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.* And for Payment to him and his Successors, who are properly immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority. In witness whereof we have ordered the Seal now used for the Great Seal of Scotland to be appended hereto, *&c.* [*according to the Chancery Form.*]

N° 2.

N° 2.—*Charter of Resignation.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby give, grant, and dispone, and for ever confirm to *A.B.* [*here name the Disponee*], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)*], which Lands and others formerly belonged to *C.D.* [*here name the Disponer*], holden by him immediately of *E.F.* [*here name the Person who died last infeft in the Superiority*], in Terms of [*here state the Investiture of the Disponer*], and now of the Crown as in Vice of the immediate Superior thereof, in respect that the said *E.F.* being dead, and *G.H.* his eldest Son [*or whatever other Relation he may be*] and Heir Apparent, who is in right of the Superiority, having failed to complete his Title thereto and to grant an Entry to the said *A.B.*, the said *A.B.* in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills dated the granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown, as acting in Vice of the said *G.H.*, and which Lands and others have been resigned into our Hands as in Vice of the said *G.H.*, which Decree is recorded in the [*state here the Register of Sasines in which the Decree is recorded, and the Date of Registration*], by virtue of a Procuratory of Resignation contained in a Disposition of the said Lands and others, granted by him in favour of the said *A.B.*, dated the To be holden, the said Lands and others, of the Crown as in room of the said *G.H.*, who is properly the immediate lawful Superior thereof, while and so long as he and his Successors the immediate Superiors thereof shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.* And for Payment to him and his Successors, who are properly the immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority; moreover we desire any Notary Public to whom this Charter may be presented, to give to the said *A.B.* or his foresaids Sasine of the Lands and others above described. In witness whereof we have ordered the Seal now used for the Great Seal of Scotland to be appended hereto, *&c.* [*according to the Chancery Form*].

Note.—The Charter in favour of an Adjudger will be in similar Terms, but under the proper Modification. And a Precept from Chancery in favour of the Vassal's Heir, who has obtained Decree against the unentered Heir Apparent of his Superior, will be in similar Terms as applied to the Style of a Precept. And if the Charter or Precept is by the mediate Over-superior, the necessary Alterations will be made.

SCHEDULE (I.)

N° 1.—*Charter of Confirmation proceeding on a Decree of Forfeiture or Relinquishment.*

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the*

the Case may be,] against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the Instance of *A.B.* [*here name the Disponee*], do hereby confirm for ever to and in favour of the said *A.B.* and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule* (*C.*)], and an Instrument of Sasine in the said Lands and others in favour of the said *A.B.* recorded in the [*here describe the Register in which the Instrument is recorded*], on the Day of *or of whatever other Tenor the same may be;* To be holden, the said Lands and others, by the said *A.B.* and his foresaids, in all Time hereafter, immediately of me and my Successors, as Superiors thereof, in Free Blench Farm *or* [in Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, Paying therefor [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]; and I consent to the Registration hereof for Preservation. In witness whereof [*add a testing Clause*].

N° 2.—*Charter of Resignation proceeding on a Decree of Forfeiture or Relinquishment.*

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the Case may be,*] against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the Instance of *A.B.* [*here name the Disponee*], do hereby give, grant, dispone, and for ever convey to the said *A.B.* and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here insert the Lands or other Heritages, and if disponed under Burdens, &c. use the Form in Schedule* (*C.*)], which Lands and others above written formerly belonged to [*here insert the Name of the Disponer*], holden by him under my immediate Vassal, and now of myself, in Terms of [*here state briefly the Investiture of the last-entered Proprietor*], and have been resigned by him in my Hands, as now coming in place of his immediate Superior by virtue of a Procuratory of Resignation contained in a Disposition of the said Lands and others, made and granted by him in favour of the said *A.B.*, dated [*here insert the Date*], to be holden, the said Lands and others, by the said *A.B.* and his foresaids, in all Time hereafter, immediately of me and my Successors, as Superiors thereof, in Free Blench Farm [*or* in Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, paying therefor [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]; and I consent to the Registration hereof for Preservation; moreover I desire any Notary Public to whom this Charter may be presented to give to the said *A.B.*, or his foresaids, Sasine of the Lands and others above described. In witness whereof [*add a testing Clause*].

N° 3.—*Precept of Clare constat proceeding on a Decree of Forfeiture or Relinquishment.*

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [*or* Relinquishment, *as the Case may be*], against *G.H.*, Heir Apparent of my immediate Vassal last infeft in the said Lands and others, pronounced by Lord Ordinary on the Bills, dated the Day of in a Petition at the Instance of *A.B.* [*here name and design the Heir in whose Favour the Precept is to be granted*]: Whereas by authentic Instruments and Documents it clearly appears that *C.D.* [*here insert the Name of the last Proprietor of the Lands*] died last vest and seised as of Fee in [*here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)*]; and that the said *A.B.* is eldest lawful Son [*or whatever Relation he may be*] and nearest and lawful Heir [of Line, *or whatever the Character may be,*] of the said *C.D.* in the said Lands and others; and that the said Lands and others are in virtue of the said Decree now holden of me and my Successors, as Superiors thereof, in Free Blench Farm [*or* Feu Farm, *as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,*] for ever, for Payment of [*here specify the Reddendo for which the forfeited or relinquished Superiority was held*]. Therefore I desire any Notary Public to whom these Presents may be presented to give to the said *C.D.* as Heir foresaid Sasine of the Lands and others above described. In witness whereof [*add a testing Clause*].

Note.—Where the next Superior is Her Majesty or the Prince and Steward of Scotland, Charters by the Crown Prince, or Precepts from Chancery, will be granted in similar Terms to the above, but adapted to the Forms of Chancery.

SCHEDULE (K.)

After granting Decree of Adjudication according to the Form presently in use, or according to the Form in use for the Time, the following Warrant to be inserted:—"And the Lord Ordinary grants Warrant to any Notary Public to give to the said [*here mention the Name of the Adjudger or Purchaser*], and his Heirs and Successors, Sasine, in the foresaid Subjects, in Terms of the 19th Section of the Act [*here mention this Act*]."

SCHEDULE (L.)

At there was [by or] on behalf of *A.B.* [*here state the Name and Designation of the Adjudger or Purchaser, or other Party in his Right,*] presented to me, Notary Public subscribing, an Extract Decree of Adjudication [*or* "of Adjudication in Implement or of Sale," *as the Case may be,*] dated the [*here insert the Date of the Decree*], obtained before the Lords of Council and Session in an Action at the Instance of [*here mention the Party at whose Instance*

Instance the Decree was obtained] against *C.D.* [*here state the Name and Designation of the Party adjudged from*], whereby the said Lords adjudged from the said *C.D.*, and all others having or pretending to have Right thereto, all and whole [*here describe the Lands at Length, and if adjudged under Burdens, &c. use the Form in Schedule* (*C.*), *then recite the rest of the Decree of Adjudication or Sale down to the Close of the Warrant to the Notary for giving Infeftment, and, if the Infeftment is to be taken by the Heir or Assignee of the Adjudger or Purchaser, or by any other Person acquiring Right through him, recite here the Decree of Service or the Assignment or other Writ by which the Party has acquired such Right*]; by virtue of which Warrant of Infeftment I hereby give Sasine to the said *A.B.* of the Lands and others above described. In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *E.F.* my Clerk, before these Witnesses the said *E.F.* and *G.H.* my Apprentice.

E.F. Witness. (Signed) *I.K.* Notary Public.
G.H. Witness.

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