

him a full right to the lands as effectually as an instrument of resignation from the vassal.

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M'LEOD of CADBOLL *against* ROSS of PITCALNY.

MR ROSS of Pitcalny, by his original charter from Cadboll, became bound to deliver a certain quantity of victual, in name of feu-duty, or a trifling conversion in lieu of it. This conversion had been omitted in the after investitures; whereupon Cadboll, the superior, brought an action for delivery of the *ipsa corpora* of the victual, or for the value thereof, according to the fiars of the county. But the Lords found, that Cadboll was bound to accept of the conversion mentioned in the original charter; and, upon an appeal, the decret was affirmed with costs.

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WALTER FERGUSON *against* The GOVERNORS of HERIOT'S HOSPITAL.

JOHN Cleland, gardener at Canon-milns, feued, from Heriot's Hospital, five acres of lands near Broughton Loan, and in his feu-charter was inserted a clause, declaring, "That it shall not be leisome to him, and his foresaids, to dig for stones, coal, sand, or any other thing within the said ground, nor to use the same in any other way than by the ordinary labour of plough and spade, without the express consent and liberty of the Governors of the Hospital, had and obtained to that effect." Walter Ferguson, writer, became purchaser of a part of this feu, which lying in the neighbourhood of the extended royalty, he proposed to build a small square upon it, but was opposed by the Governors of the Hospital, who apprehended that it might interfere with the interest of the city in feuing their grounds in the new extended royalty. They presented therefore a bill of suspension to stop his building: but the bill was refused by Lord Auchinleck; afterwards by the Court; and these judgments were affirmed on appeal. In consequence whereof, Mr Ferguson had permission to build.

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DUNDAS of QUARROLE *against* MRS DRUMMOND of BLAIR DRUMMOND.

MR Dundas of Quarrole insisted against the heirs of Mr Drummond of Blair, to make up titles, in order to save him from paying a year's rent for entering with the superior as a singular successor. The Lords found, that no such claim lay: If the heir inclines to enter, he may, upon paying what is due upon that occasion; but the singular successor cannot compel him, neither can he claim in his right.

And this decision was approved 9th December 1778, *Hamilton of Westport against Earl and Countess of Lauderdale.*