

1621. *November 22.* The L. MUCKALL *against* STUART.

IN a pursuit by the L. Muckall, against Robert Stuart, for declarator of his liferent of such lands as he held of Muckall, the LORDS found, That no such general summons could be sustained in favour and at the instance of a subject, albeit the King has that privilege by his Crown; whereby it is presumed that all subjects hold their lands of his Majesty, except it be verified and shown otherwise; whereas another superior, if he claim any thing of his vassal, he must qualify him to be his vassal, and be special therein, and so could not have that general action sustained; and if the superior libelled his summons upon any special lands, the LORDS found it ought to be proved that he held the lands of him, and so ought to abide continuation. (*See PROCESS.*)

No 297.

Act. *Peebles & Baird.*Alt. *Hope.*Clerk, *Gibson.**Fol. Dic. v. 2. p. 162. Durie, p. 3.*

1626. *July 1.* HALYBURTON *against* STEWART.

AN heritable bond being granted, and not bearing, that the infeftment of annualrent should be holden of the annalzier himself, but indefinitely without mention of any superior; it was found presumed for the King, that he behoved to be the superior of whom the annualrent should be holden, and therefore that the liferent escheat of the annualrenter belonged to his Majesty.

No 298.

*Fol. Dic. v. 2. p. 162. Durie.*\* \* \* This case is No 9. p. 3618. *voce* ESCHEAT.

1662. *February 25.* ARBUTHNOT *against* KEITHS.

No 299.

A PURSUIT at a donatar's instance against a vassal for the avail of his marriage, was sustained, without necessity to prove that it was a ward-holding, which is presumed where the contrary is not proved.

*Fol. Dic. v. 2. p. 162. Stair.*\* \* \* This case is No 29. p. 8528. *voce* MARRIAGE, AVAIL of.

1665. *July 29.* DOUGLAS *against* COWAN and RUSSEL.

No 300.  
A bond obliging a person to pay the price of wine.

PETER RUSSEL, by his ticket, acknowledged him to have received a certain quantity of wine, and obliged him to make payment thereof, according to the condition agreed upon, Douglas being assigned to the ticket, insists for the or-