did not render the land liable to a feudal casualty on the entry of an heir[4]. Professor Walker is incorrect in stating that udallers paid a sum to the earl on succession for a regrant of the odal[5].

According to *Gulathing* law, land once purchased became udal after six generations[6]. In Christian IV's revision of 1604 this period was reduced to thirty years, and in 1687 it was reduced further to twenty years. Twenty years was the period within which a sale of udal land could be challenged[7]. In *Earl of Galloway v Earl of Morton* in 1752[8], on the question whether udal proprietors were required to pay scat in addition to land tax according to their valuation, the court upheld the defender's preliminary plea that his right to scat was secured by prescription in that scat had been paid to the Crown from 1667 (when the land tax assessment was introduced) to 1707, and thereafter without interruption to the Earls of Morton. Despite the fact that the prescriptive period for feudal land is now ten years, there is a special exemption for allodial land, which would include udal land, for which the period remains twenty years[9].

The traditional legal view is that title to udal property passed without any written title, service, conveyance, infeftment or investment, the right being provable by witnesses[10]. The consequence was that prior to 1964 udal property vested in the heir without service, although, according to Drever, in practice the heir could serve as if to feudal property; however, service was not necessary, and udal right could in any case be proved *prout de jure*[11]. Such evidence might well take the form of shynd bills, which were a record of inheritance prepared either before or immediately after the death of the udaller, presumably at the *airff* or inheritance feast[12].

The decision in *Sinclair v Hawick* in 1624[13], where the reclaimer sought recall of a decree of removing, is reported to be that 'udal lands behoved to be bruiked by some lawful title and that naked kindness and possession were not sufficient to possess them'. However, it is somewhat difficult to see how the court came to such a decision on the pleadings, and the basis of its decision in the original papers is reported to be the respondent's failure to prove his averments of personal bar and prescription[14]. The respondent's title, which was impugned, may in fact have derived from a shynd bill[15]. In a similar appeal in 1636–37 in *Bruce v Sinclair*[16] it appears to have been accepted by both parties that a shynd bill would form a valid link in title, and it was clearly demonstrated that this was custom and practice in Shetland[17]: the question was whether, in the absence of shynd bills, the reclaimer was entitled to rely on 'kindly possession'. It seems that the decision in *Sinclair v Hawick* should be interpreted to mean that 'naked kindness and possession' was not sufficient in the absence of a shynd bill or other title — or presumably other evidence if available[18]. By 1690 feudal 'infeftments' had evidently become common for large estates, but the continued transmission of land without infeftments or charters was sufficiently accepted to be expressly confirmed by an Act which allowed vassals of kirklands (a certain class of udal lands) to hold 'without necessity of renovations of their rights and infeftments' if the valuation did not exceed £20 Scots[19].

No length of time can by itself convert tenure from udal to feudal[20]. In *Rendall v Robertson's Representatives*[21] it was held that as the charter granted in 1661 by the Crown to Viscount Grandison as trustee of the Earl of Morton had been reduced in 1669, a charter granted by Viscount Grandison in 1665 had not effectively feudalised the lands in question, and these remained udal, notwithstanding the intervening charter.

The mere fact that land has been transferred by written deeds and that sasine has passed on it does not in itself suffice to change the tenure of the land and convert it from udal to feudal[22]. There can be no proper feudal holding which does not flow from the Crown[23].

In *Smith v Lerwick Harbour Trustees*, Lord Kincairney was of the view that an exception to the rule that sasine would not convert tenure occurred when sasine