

No 7.

\* \* \* In the same manner were decided Laird of Ormiston against Laurie Hamilton, 29th March 1561; and Laird of Haltoun against young Laird of Carmichael, 17th March 1568.

---

1540. May 31. MR JAMES FOULIS *against* The TENANTS of N——.

No 8.

GIF ony persoun set tack and assedatioun of ony landis or possessiounis per-  
tening to him, and befor the ische thair of his landis, guidis, and geir, cumis  
in the King's handis be foirfaulture or utherwayis, the King nor his donatar is  
not bund nor oblist to keep and observe the said tack and assedatioun for the  
termis contenit thairin to rin.

*Balfour, (FORFEITURE.) No 6. p. 562.*

---

1541. June 20. HOPE-PRINGLE *against* KER.

No 9.

GIF ony persoun beis foirfaltit for tressoun, and his landis and heritage dis-  
ponit be the King to ony persoun, or persounis, albeit he be restorit thairefter  
to all his landis, honouris, gudis, and geir, zet, nevertheless, he sould persew  
befor the Lordis for the particular reducioun of all and sundrie the infeftments  
of his landis, maid and gevin efter his foirfaulture be the King to ony persoun,  
because gif landis cum in the King's handis be foirfaulture, are disponit efter-  
wart be his Hienes to ony persoun thay may be brukkit and joisit be him, to  
quhom thay were disponit efter the reducioun of the foirfaulture, ay and  
quhill special declaratioun of ane Judge pass conform to the reducioun.

*Balfour, (FORFEITURE.) No 13. p. 564.*

No 10.

1552. May 25.

HATTON *against* MURRAY.

A party who had the survivancy of a tack, being forfeited, and his escheat gifted during the life of the tacksman, it was found, that, upon the tacksman's death, the donatar of the forfeited person did succeed to the tack in his right.

ANENT the action moved be Matthew Hatton *contra Episcopum Murray Com-  
mendatarium de Scona*, the said Matthew was donatour to the Queen, of the es-  
cheat of ane called Thomas Stewart, wha was forfault for certain points of  
treason. There was ane letter of tack set be Abbot and Convent of Scone, of  
certain lands till ane callit Thomas Shank, and to the said Thomas Stewart and  
his wife, the langest liver of them two. The said Thomas Shank lived three  
years after the forfaulture of the said Thomas Stewart, and brukkit the said  
lands. The said Matthew, donatar foresaid, called the Bishop and Commenda-  
tor foresaid before the Lords to hear him be decernit be their decret to receive  
him tenant to the said land in place of the said Thomas Stewart. It was *except-*  
*ed* be the said Bishop, that he sould not receive him tenant because the said  
Thomas Shank, wha was first in the tack, lived three years after the forfaulture

of the said Thomas Stewart, and he aught to have no right to the said lands nor entres after the decease of the said Thomas Shank, before whose decease the said Stewart was banished, and sua he was deid cevillie or he came to the right of the land, and sua it vaiket in the said Commendator's hands, sua that he might dispone thairupon at his pleasure, and was not obliged to receive any other tenant be the Queen's right. It was *ansrit* be the said Matthew, that the said Thomas Stewart had as good right at the first time the tack was set as he could have after the death of the said Shank, because he was as well in tack, and the same set to him, as to the said Shank, nor the said Shank might noways dispone the same frae him, howbeit the use of the said lands was suspensit fra the said Stewart for the lifetime of the said Shank, notwithstanding he had another a like right. The whilk answer and reply the LORDS fand relevant, and in respect thair of repellit the said Bishop's exception, and ordained him to receive the said Matthew, donatar foresaid, in the said Stewart's place.

No 10.

*Fol. Dic. v. 1. p. 313. Maitland, MS. p. 112.*

1559. February 15.

JAMES STEWART *against* The QUEEN and her Comptroller.

GIF ony persoun committis tressoun or lese majestie, and summondis be raisit thairfor againis him at the King's instance, all alienatiounis and dispositiouns of his landis, gudis, or geir, maid be him, togidder with all infestments thair of obtenit by quhatsomever persoun after the executioun of the saidis summondis, and for ony cause followand the committing of the said crime of tressoun are of nane avail, and aucht and sould be reducit at the King's instance, because all and hail the landis, gudis, and geir, movabill and immovabill, quhilks pertinit to him, quha committit the tressoun, in the self samin time of the committing thair of, pertinit to our Soverane Lord as ane part and pertinent of the patrimony of his crown, and thairfor without his consent may not be disponit or occupyit be ony persoun.

No 11.

*Balfour, (FORFEITURE.) No 10. p. 563.*

1559. February 16.

JOHN STEWART *against* The QUEEN, and her Comptroller.

GIF ony persoun committis spuilzie, or dois ony deid hurtful or prejudicial to ane uther, and thairefter committis the crime of lese majestie or tressoun againis the King's hienes, and the persoun quha is hurt be the said spuilzie or uther deed, callis and perseuis the doar and committar thair of, and obtainis decree againis

No 12.