

No 4. the liberty to hold common courts against his own tenants, possessors of his lands within the bounds of his deputy, and against the other vassals of this bishoprick within his said bounds, and that the said deputy could not be further extended; which allegiance was repelled by the LORDS, in respect the question was betwixt two Bailie-deputes, and not betwixt the Lord or his principal Bailie and the depute.

Act. Baird.

Alt. Lawtie.

Clerk, Gibson.

Fol. Dic. v. 1. p. 493. Durie, p. 19.

## S E C T. III.

## Jurisdiction how dismembered.

No 5. 1630. March 3. LORN against PANHOLES.

A VASSAL though infest *cum curiis*, is not exempted from his superior's courts. This clause gives him power to hold courts upon his own tenants for his farms, or wrong done among themselves; which, at the same time, is not privative of the superior's jurisdiction; and therefore if the vassal himself do wrong, or commit blood, he may be convened in the superior's court, notwithstanding of the said clause.

Fol. Dic. v. 1. p. 492. Durie.

\* \* This case is No 7. p. 4789, *voce* FORUM COMPETENS.

No 6.  
The erection of a royal burgh within a bailliary excludes not the bailliary of its jurisdiction and casualties; and the case differs from that of a barony constituted within

1666. February 27. LORD COLVIL against TOWN of CULROSS.

THE Lord Colvil being infest in the heritable office of the Bailliary of Culross, by progress from the Earl of Argyle, first Bailie, who was infest by the Abbots before the Reformation; having full power of all jurisdictions, civil or criminal, and of all the amerciements, bloods, and casualties to his own behoof, he does thereupon pursue a declarator of the right against the Town of Culross, which is within the Lordship of Culross, that he had right to the bloods, and to all jurisdictions civil and criminal amongst the burgesses thereof. It was *alleged* for the defenders, absolvitor; because their town was erected in a burgh royal by the King, with power of heading and hanging, and other privileges