

THE LORDS found, That the extent of the acres here was not taxative, but designative, and therefore assolizied from the declarator.

No 16.

Fol. Dic. v. 1. p. 145. Stair, v. 2. p. 686.

1683. *March.* MR THOMAS ROBERTSON *against* The LAIRD of Carn gall.

No 17.

FOUND, that a minister's presentation to vicarage-teinds, as possessed by his predecessors, was not taxative, but demonstrative, there being no taxative word of *allenarly*, or the like, subjoined.

Fol. Dic. v. 1. p. 145. Harcarse, (MINISTERS) No 690. p. 194.

S E C T. III.

Escheat of Delinquents Convict.—Grant during Pleasure.—Importing a Regality.—Naming a Person to an Office.—Betwixt and a Term.

1542. *May 25.*

ORMSTON *against* PROVOST and COMMUNITY of EDINBURGH.

No 18.

IN a cause of escheat of Robert Ormston, donatar to the King *contra* the Provost and Community of Edinburgh, the LORDS decerned, That for sae meikle as the man *de cujus escheta agebatur* committed the slaughter within Edinburgh; and the town shew *privilegium regis*, alledging all sic escheats to pertain to them; the forfaulter nevertheless was fugitive and put to the horn; and by reason he compeared not to underlye the law for that crime, swa because he past to the horn, all his goods was escheated; the LORDS decerned that escheat to pertain to the King and his donatar, because it fell because the man past to the horn, and not because he committed the said slaughter; and swa the town's privilege was found not to be extended in this caise; for in it there is not escheat granted to the town, but *delinquentibus in dicto burgo, et captis ibid. et convictis; et sic quando cadit escheta ratione criminis commissi infra burgum; non autem quando cadit* because ane faulter *infra burgum* past to the horn, for notwithstanding of the law for the crime committed be him within the town.

Fol. Dic. v. 1. p. 145. Sinclair, MS. p. 55.

A burgh, by its charter, having granted to it indefinitely the escheats of all delinquents convict; the LORDS found, that this cannot be extended to the escheats of such as are declared fugitive, and put to the horn for not compearance in a criminal cause; but that such escheats belong to the King and his donatary.