

lands not forfeited, granted to a competent vassal by superior person, who then immediately vassal to the sovereign or to his heirs before committing of the crime, while such lands were already by law did not indeed fall under the grantor's forfeiture.

12 Feb. 1674. 23 January 1680 M. of Huntly contract. Cairn Barron 29 January; 668 Stewart Governor of the Forth & Fife or Merck 26 Feb. 1680 Campbell contract. Auchinbrock & E. Argyle. But Ward and Blonch possessions were forfeited by the forfeiture 12 January 1677 M. of Huntly contract. Again, the King's immediate vassal being forfeited his right and all depending on it, is indeed flowing from him became void and fell in consequence, according to the rule: Resoluto iure vassallicis Chirographum est acceptum et factis assignat for an E. legacy or any suitable task duty, or for Grapunt received by the latter were not bound against forfeiture 28 January 1674 General Datzell contract. Grants of Cadwall. These being manifestly prejudicial to the King, or those claiming under his Majesty, by grant, the King or other vassal rights granted by a person not immediately vassal to the King, but only a sub-vassal, did not fall by the forfeiture of that sub-vassal, whose estate both in property and superiority came to the sovereign by descent and was the time of the abolition, with all rights granted to or under it. 831. And Grants for a competent task duty, which with possession stood effectual and with standing of the latter being forfeited for a crime committed before 28 January 1674 General Datzell contract. Grants of Cadwall. Because that are equally profitable to the King and to the grantor, and for the public good: where possessions and services carry away the property of the King without any advantage to his Majesty. The forfeitures of moveables and personal estates were not confiscated in such manner as his hereditary, without respect to his debts. The reason of the difference alleged was because all rights of land and hereditary simply assigned that the vassal shall be faithful and loyal, and should therefore upon forfeiture for his loyalty and fidelity return to the King or superior, in the same manner as the moveables and other personal

are simply alienated, and ought to be made forthcoming to the King for the benefit of Commerce. Forfeiture of an Heritor of a tailzie estate did not cut off the subsequent members of tailzie: But it was contravened whether the forfeiture would have such effect, not with standing of an Forfeiture clause in the tailzie; that if any of the Members of tailzie commit treason or any Delict whereby the fee might be forfeited or burdens; the Committer should be held right, and give place to the next Member to succeed. Sir Thomas Hope's opinion. It. of tailzie 1. 362. Point not to doubt that the present heirs of tailzie would carry the tailzie estate to the King, not with standing any contrary clause in the tailzie. Because Privilegium Non tenetur nisi in publico. But Sir George Withers (treatise of tailzie) is of opinion, that the estate would not in such case fall under forfeiture, but the next Member of tailzie might under have the portion left for itself before the traitor. Because the King cannot be said right only with such a liability which burden is burdened during his minority; and the King could have the portion left than the whole estate, for tantum facit quod subrogatus est in tenentis loco. However it was declared that Forfeiture of a portion in tailzie should not be effectual against forfeiture of a portion to his Majesty for treason, or against any superiority of superiority, and that such first and principal should be preferred no contravention of the Forfeiture clause. Act 22 Feb. 17. Because the writs of possession are not sufficient abstracted, and so the King and his Donatary should be obliged to know themselves for preventing thereof, as provided, that all lands and heritages peaceably and quietly occupied by any such person, or by them to whom he should succeed as apparent heir, for five years immediately preceding the sentence or decree of the said apparent heir predecessors by labouring holding, and enjoying the same thereof as their heritages; belong to the King and the Donatary without any question to be moved about the same. Act 2 Feb. 9 F. 6. 23 Feb. 1666. For the sake of the same M. Huntly, those task or temporary right in the person of the possessor were forfeited 29 January 1667. Some contracts of Kells and others. And possession was tried upon a Commission under the quarter seal, by an