Committing the treason if Notour, or the time of Citation in the process of forfeiture where the treason is Cleanly, yet for as the said power is not Recorded and exhausted by odds Rights Tries, or Contained in a Contract of Marriage. And the Clause in a former Law (act 22 sess. 1 Parl. J. 7) Declaring that the Heritable clause of tailzies should not prejudge his Majesty as to Confiscations or other Fines, as the punishment of Crimes, was Rescinded by act 33 sess. 2 Parl. W. & M.

The Doom or sentence for some Atrocious Crimes of treason doth and adjudgeth the Traitor to be drawn on a Hurdle or sledge to the place of Execution and there to be hanged on a Gibbet and let down alive and his bowels to be cut out and showed to the spectators on the point of a Bayonet by the hangman, saying here is the heart of a Bloody traitor and then to be cast in a fire on the scaffold, and Dooms his head to be cut off and showed to the people, with this Inscription, Here is the head of a Bloody traitor; and his body to be Quartered and his head and Quarters to be set up on different Conspicuous places of the Nation; and Ordains his Name fame Memory and honour to be Extinct, his Blood to be tainted, and his Arms to be Rived and Defaced out of the Books of Arms, so his posterity may never have place nor be able to Succeed after to Berwick and Enjoy any Lands or state honours or Dignity within the Realm; and to have forfeited and Amitted and tint all and sundry his lands heritages tacks Stockings Rooms professions goods and gear whatsoever to the King propriately with his Highness Exchequer property. And some time the forname of the traitor family has been abolished. But the ordinary sentence against one Convicted of high treason is to be hanged while he be dead, or (if a Noblman) to have his head struck from his Body and his Name fame and Memory to be Extinct his Blood to be tainted, his Arms to be Rived forth and defaced out of the Books of Arms, so that his posterity may never enjoy any honour office title or Dignity within this Realm in time coming, and to have forfeited Amitted and tint all and sundry his lands heritages tacks stockings Rooms professions goods and gear whatsoever to our Soveraign

Lord to Remain perpetually with his Highness Exchequer property. The King's Advocate ordinarily for the greater terror causeth the Lion and his Brethren Heralds to tear the traitors coat of Arms with sound of trumpet in the Justice Court after pronouncing the sentence of forfeiture and thereafter to proclaim him traitor over the Cross of Edinburgh and hang up his Escutcheon Reversed there: Copying these in (the old Romans L. 24 § de panis who as Tacitus (lib. 6 Annal.) observes, Delorrene omnes a simili culpa Quinto Annal) observes, Delorrene omnes a simili culpa Volebant nonpena Mors sed Ignominia Metuyut Nomen e fastis Delerentur & effigies tollerentur. Which custom is also observed in other Nations, Peroz. in Codic. lib. 9 tit. 8 n. 19. But this solemnity should be used only for the crime of high treason, Mckenzie Crim. parts, tit. 6 § 25. Nor still thought absolutely necessary even in that case, Doom of Ford. on act 11 Parl. 2 sess. 1 Ch. 2. But the person convicted of high treason by proof doth forfeit lands and Estate &c. yet one Denounced fugitive or out lawed for not Appearing to Undergo a trial for treason forfeits only his Moveables, Mckenzie Crim. part 1 tit. 6 § 5. A Doom of forfeiture when past in Parliament affords (as Hazard) immediate Rights to the forfeited persons estate, without necessity of any previous Declarator 15 Decemb. 1680 Gordon contra Wadsters of Bars, or 6 January 1681 Hume contra Hume Stair Instit. lib. 3 tit. 3 § 41. But forfeiture by sentence of the court of Justiciary should be Declared, Stuart answers to Dirleton doubts tit. for forfeiture. A Decreet of Circumduction holding a person as Confessed after he was Forfeited, was not sustained to Constitute a debt to the prejudice of the Donatary of the forfeiture, 120 Fol. 1707 Calderwood of Craigforth contra L. Landon of that Ilk. Moreover Craig (Craig) moves, without Doubt marring this Question, whether Forfeiture should a Corruption of the Blood of all the Traitors Delinquents, whereby till Restitution they are incapable of any Succession? Which Corruption of Blood, the Sequel