

vassals to the Lord of Regality having their Jurisdiction from him, have not Jurisdiction Exclusive of him or his Bailie, but only Cumulative, So as there is no provision by the first Attaching and Citation 14 January 1668 Bailie of the Regality of Killinuir con-
Borough of Killinuir.

Lords of Regality have Jurisdiction over all the Inhabitants within the Regality and Right to the single escheats of Rebels or outlaws at the bar for civil causes and of Criminals within their Jurisdiction, albeit condemned by the Lords of Justice except for treason and the Pleas of the Crown, *Min. part. 2. tit. ii. § 9.* Nor doth it alter the case whether the Delinquents Moveables be within or without the Regality. A Charter Erecting lands into a Regality in favour of one therein appointed hereditary Bailie of Regality, with all the Privileges Competent to any Lord of Regality, cum Escheatis, vitalibus, & tibi ad foris factoris omnium personarum quae infra dictam Regalitem quocumque modo cadunt, & tibi mittendi, & Landi assignandi & Juris Disponendi &c. was sustained to give him Right to gift single escheats fallen within that Regality 25 June 1713 *Gib. contra Robertson.* For the word Vitalibus was joined to the subsequent word Reditibus: because the former escheats belonging naturally to the Barony of Regality & Superior, whether the Rebels live or within his Regality or not, Needs not to have been Disposed Particularly; and the lands being Erected with all the Privileges of a Regality the clause containing a Disposition of escheats, must be so understood as to agree with the Erection. Erection of lands into an Earl-dom

as ample powers as were Competent to any other Earl in Scotland, doth not give the Earl a Right of Regality. 9 July 1713 Duke of Montrose contra M'ailay of M'Don-
caple. Because the Erection in a Comitatus or Dominion doth not necessarily infer any Jurisdiction except what is Competent to any Baron, an Earl-dom being only an higher Denomination of Barony; and therefore can never be Extended to Comprehensive Jurisdiction of Regality, which beside other privileges, carries along with it an Absolute Exclusion of the Kings ordinary Judges, Especially considering that many of our Ancient Nobility who have their lands Erected in Earl-doms and Lord-ships, have at this Day no Regalities. V. G. The Lord Ship of Scots &c. And what needs need Ludovic Earl of Lennox to procure his Earl-dom to be Erected in a Regality with free Chappell and Chancery in Common form; if previously by Erection of the Earl-dom he had a Regality? A Lord of Regality was found not to have lost his Right of Gifting single escheats fallen within his Regality by his not taking the oaths to the Government; he can only the Bailie of Regality who had right to the Inquisition & Duces of court, is bound to qualify by taking the oaths 25 June 1713 *Gib. contra Robertson.*

Mr George M'Kenzie (*Min. part. 2. tit. ii. § 9*) starts a question, whether a Lord of Regality may place a Gallows upon any part of his Vassals lands? And delivers his opinion to this purpose. A former place Destined by Custom for such an end, cannot be Altered. And there were no such place fixed by Custom a Lord of Regality cannot use his privilege with a Visible Design to affront his Vassals as if he should offer to plant the Gibbet at his vassals gate, or garden door. For Nemo potest