

No 42.

The Council ordained him to be possessed, and the bygone rents to be paid to him by the factors; though it seems, by the act of Parliament, he could only claim right to these *pro futuro*, after the decret for his possession; and here Inglis of Cramond was competing for these bygones, who having, since the act of council, arrested them in the factor's hands, the Lords of Session, upon a bill given in to them, discharged the arrestment without loosing, the factor being put in by themselves. Here the rebel's right was notourly known to be a wadset. The like act of council for summary possession was given, August 2. 1687, to Andrew Ker donatar, who had no retour of quinquennial possession.

*Harcarse, (FORFEITURE.) No 500. p. 139.*

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S E C T. VI.

Forfeiture of a Sub-vassal.—Effect of Rebellion.—Misnomer.

No 43.

1506. *February 17.* ABBOT OF DUNFERMLINE *against* FORRESTER.

GIF ony man, haldand landis of the kirk, or ony uther of the King's lieges, as superiouris, beis convict and foirfaltit for ony crime of lese-majestie committit aganis the King; the proffitit, maillis, and dewties of the saidis landis per-tenit to the said immediat superiour, fra the time of his foirfaltung, ay and quhill the King present to the over-lord ane tenent in his place.

*Balfour, (FORFEITURE.) No 5. p. 562.*

No 44.

1540. *March 2.* SOMERVILLE *against* TENANTS of Liberton.

GIF ony persoun committit the crime of lese-majestie or tressoun, and is foirfaltit thairfoir, all landis baldin of him as superiour, be his vassalis, sub-vassalis, or thair free tenentis, cumis in the King's handis be ressoun of the said foirfaltung, be the law and consuetude of this realm; and, gif his hienes gevis and disponis the saidis landis to ony persoun, for compositioun or utherwayis, the saidis vassalis or sub-vassalis, aucht and sould be of new infest be him in thair landis, the quhillk thay hald in cheif of him that is foirfaltit, in the samin form and manner as thay wer infest befor the said foirfaltung, thay payand for the said new infestment to the maker and gevar thairof thre zeiris maillis of the saidis landis.

*Balfour, (FORFEITURE.) No 4. p. 561.*