

No 7.

\* \* \* In the same manner were decided Laird of Ormiston against Laurie Hamilton, 29th March 1561; and Laird of Haltoun against young Laird of Carmichael, 17th March 1568.

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1540. May 31. MR JAMES FOULIS *against* The TENANTS of N——.

No 8.

GIF ony persoun set tack and assedatioun of ony landis or possessiounis per-  
tenuing to him, and befor the ische thair of his landis, guidis, and geir, cumis  
in the King's handis be foirfaulture or utherwayis, the King nor his donatar is  
not bund nor oblist to keep and observe the said tack and assedatioun for the  
termis contenit thairin to rin.

*Balfour, (FORFEITURE.) No 6. p. 562.*

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1541. June 20. HOPE-PRINGLE *against* KER.

No 9.

GIF ony persoun beis foirfaltit for tressoun, and his landis and heritage dis-  
ponit be the King to ony persoun, or persounis, albeit he be restorit thairefter  
to all his landis, honouris, guidis, and geir, zet, nevertheless, he sould persew  
befor the Lordis for the particular reducioun of all and sundrie the infeftments  
of his landis, maid and gevin efter his foirfaulture be the King to ony persoun,  
because gif landis cum in the King's handis be foirfaulture, are disponit efter-  
wart be his Hienes to ony persoun thay may be bruikit and joisit be him, to  
quhom thay were disponit efter the reducioun of the foirfaulture, ay and  
quhill special declaratioun of ane Judge pass conform to the reducioun.

*Balfour, (FORFEITURE.) No 13. p. 564.*

No 10.

1552. May 25.

HATTON *against* MURRAY.

A party who had the survivancy of a tack, being forfeited, and his escheat gifted during the life of the tacksman, it was found, that, upon the tacksman's death, the donatar of the forfeited person did succeed to the tack in his right.

ANENT the action moved be Matthew Hatton *contra Episcopum Murray Com-  
mendatarium de Scona*, the said Matthew was donatour to the Queen, of the es-  
cheat of ane called Thomas Stewart, wha was forfault for certain points of  
treason. There was ane letter of tack set be Abbot and Convent of Scone, of  
certain lands till ane callit Thomas Shank, and to the said Thomas Stewart and  
his wife, the langest liver of them two. The said Thomas Shank lived three  
years after the forfaulture of the said Thomas Stewart, and bruikit the said  
lands. The said Matthew, donatar foresaid, called the Bishop and Commenda-  
tor foresaid before the Lords to hear him be decernit be their decret to receive  
him tenant to the said land in place of the said Thomas Stewart. It was *except-*  
*ed* be the said Bishop, that he sould not receive him tenant because the said  
Thomas Shank, wha was first in the tack, lived three years after the forfaulture