

of the said Thomas Stewart, and he aught to have no right to the said lands nor entres after the decease of the said Thomas Shank, before whose decease the said Stewart was banished, and sua he was deid cevillie or he came to the right of the land, and sua it vaiket in the said Commendator's hands, sua that he might dispone thairupon at his pleasure, and was not obliged to receive any o-ther tenant be the Queen's right. It was *ansrit* be the said Matthew, that the said Thomas Stewart had as good right at the first time the tack was set as he could have after the death of the said Shank, because he was as well in tack, and the same set to him, as to the said Shank, nor the said Shank might noways dis- pone the same frae him, howbeit the use of the said lands was suspensit fra the said Stewart for the lifetime of the said Shank, notwithstanding he had another a like right. The whilk answer and reply the LORDS fand relevant, and in res- pect thair of repellit the said Bishop's exception, and ordained him to receive the said Matthew, donatar foresaid, in the said Stewart's place.

No 10.

*Fol. Dic. v. 1. p. 313. Maitland, MS. p. 112.*

1559. February 15.

JAMES STEWART *against* The QUEEN and her Comptroller.

GIF ony persoun committis tressoun or lese majestie, and summondis be raisit thairfoir againis him at the King's instance, all alienatiounis and dispositiouns of his landis, gudis, or geir, maid be him, togidder with all infestments thair of ob- tenit by quhatsomever persoun after the executioun of the saidis summondis, and for ony cause followand the committing of the said crime of tressoun are of nane avail, and aucht and sould be reducit at the King's instance, because all and hail the landis, gudis, and geir, movabill and immovabill, quhilks pertenit to him, quha committit the tressoun, in the self samin time of the committing thair of, pertenit to our Soverane Lord as ane part and pertinent of the patri- mony of his crown, and thairfoir without his consent may not be disponit or occupyit be ony persoun.

No 11.

*Balfour, (FORFEITURE.) No 10. p. 563.*

1559. February 16.

JOHN STEWART *against* The QUEEN, and her Comptroller.

GIF ony persoun committis spuilzie, or dois ony deid hurtful or prejudicial to ane uther, and thairefter committis the crime of lese majestie or tressoun againis the King's hienes, and the persoun quha is hurt be the said spuilzie or uther deed, callis and perseuis the doar and committar thair of, and obtainis decree againis

No 12.