

levant, and in respect thereof, the exception repellit. This was but for ane part of the tenants; but other of the tenants *ansrit*, That they had tacks for terms to rin, set to them be the Laird of Riccarton, before the Earl Bothwell's forfeiture, and so be him who had power to set the same. The persewer *replyit*, That the exception should be repelled, because the Lord Bothwell superior, and also Riccarton proprietor being forfaitit, the King who wald not have regairdit an heritable infestment given be Riccarton at the time of the said assedation, but wald remove the heritable tenants, meikle more aught the tacksmen to be removit at the King's instance and his donatar's. The reply was repellit be the Lords, and tacks ordained to stand to the issue of their assedation, notwithstanding the forfeiture; because the King having the maills and duties of the lands is not defraudit as he is be the heritable infestments, and therefore sould not remove the poor tenants having leisomely obtained the said tacks be their awn geir, of them who were not, nor yet their superior convict of the said crimes wherethrough forfaulture might have followit; and the like practic was between John Lesly of N. and _____.

Fol. Dic. v. I. p. 313. Maitland, MS. p. 229.

. Balfour makes the following observation on this case:

ALL landis and tenandries baldin in chief of ony man that is forfaitit, and not lauchfullie confirmit be the King, cumis in his Hienes's handis be ressortin of foirfaulture.

Balfour, (FORFEITURE.) No 7. p. 562.

1610. July 14.

CAMPBELL *against* L. of LOCHNORAS.

A SUB-VASSAL being forfeited, he who is infest in his lands upon the King's presentation may remove the sub-vassal's vassal, albeit he have possessed forty or fifty years after the forfeiture; and needs not to reduce nor annul his infestment; because the forfeiture of his superior is a decret of Parliament, whereby his right, and all rights flowing from him, are in effect reduced. Campbell *against* Laird Lochnoras having right to lands in Cumnock from Riccarton Hepburn, who was vassal thereof to James Earl Bothwell, who, before his forfeiture, held them of Dunbar of Cumnock.

Fol. Dic. v. I. p. 314. Haddington, MS. No 1962.

1674. January 28.

GENERAL DALZIEL *against* The TENANTS of CALDWELL.

GENERAL DALZIEL, as donatar to the forfaulture of Muir of Caldwell, pursues the tenants of Caldwell to remove; who *alleged* absolvitor, because they bruiked

No 24.

No 25.

Found that by the forfeiture of a sub-vassal, not only his own right, but all rights flowing from him are carried.

No 26.

Tacks let for grassums received by the vassal, and