

1669. *July 14.* COLLECTOR of the TAXATION *against* THE FEUARS of the KING'S PROPERTY in the WESTERN SHIRES.

IN a suspension raised by the Feuars of the King's Property, against the Collectors of the late taxation, imposed by Act of Convention, granting some ease to some western shires, ordaining them to be charged only at the rate of two merks upon the pound; and whereas all other shires are charged at the rate of forty shillings: the debate was,—If the King's feuars, not being expressly mentioned in that clause giving them ease, but only the temporality and spirituality, the feuars should have the benefit thereof, as well as other immediate vassals, holders of the King.

The Lords found, That the King's Feuars never having paid taxation before the year 1597, and then being ordained to be stented as the rest of the vassals of the shire; and that the ease was granted upon that consideration, that the retours of these shires were a great deal more high than other shires in the kingdom; That the burden of taxations being only imposed upon them by the said Act, and their retours made accordingly to the rest of the shires, the reasons of the Act did militate for them; and they were included in the general of temporality; not being excepted from the benefit thereof.

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1669. *July 14.* ADAM MUSCHAT *against* The EARL of GLENCAIRN.

ADAM Muschat, having granted bond to the Earl of Glencairn for the sum of 7400 merks, for his proportional part of the penalties incurred by usurers since the year 1633 to the year 1668, conform to a gift granted to the Earl's father, did suspend upon this reason;—That the bond was conditional, *viz.* That in case there should be any stop put to the gift, or interruption made, he should be only liable according to intromission; and subsumed, that, by an Act of Privy Council, the execution of the said gift was stopped until further order: And albeit the Act of Council was after the time contained in the condition, yet there being many penalties not yet exacted as to bygones, he ought only to count according to intromission.

The Lords, notwithstanding, found the letters orderly proceeded; in respect the gift continued in force during the whole time of the condition of the bond; but superseded execution until Whitsunday thereafter, that, in case the Act of Council were taken off, he might do diligence.

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1669. *July 14.* LOGAN *against* MACKENZIE of COULL.

JOHN Levingston, having obtained a gift of Logan's escheat, and likewise comprised from him the right of an apprising, led at his instance against the Earl