

1684. *January.*ROBERT CAMPBELL of Silvercraigs *against* Several of ARGYLE' VASSALS.No 5.  
Found as  
above.

FOUND that ward-lands being feued out before the year 1633, by the King's vassal for a competent avail, conform to act of Parliament, the act of Parliament was equivalent to a confirmation, and ought to defend the sub-vassal against the forfeiture of the immediate superior, as well as against ward and recognition. And in Lauderdale's case, the vassal was obliged to prove, that the lands were feued for a competent avail, and not the superior or donatar that it was incompetent.

*Fol. Dic. v. 1. p. 295. Harcarse, (FORFEITURE.) No 494. p. 136.*

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S E C T. II.

Act 1606, how far extended.—After this act what the effect of Superior's consent.

1629. *July 1.* LA. CATHCART *against* VASSALS.

No 6.

FOUND that ward-lands of the principality could not be disposed feu after the act of Parliament 1606.

*Fol. Dic. v. 1. p. 296. Kerse, MS. fol. 112.*

\* \* \* See Act 16th Parliament 1633, where the contrary is understood.

\* \* \* Durie reports the same case :

THE Lady being donatar to the ward of the lands by decease of her husband, and pursuing thereupon removing, the lands being holden by the Lord Cathcart of the Prince, and some of the defenders who were vassals to the Lord Cathcart, by a blench holding of himself, alleging there could be no ward, because herself was infeft, conform to the contract of marriage, in these lands, to be holden of the Prince; likeas her infeftment was confirmed by the Prince, so that there could be no ward;—and the Lady *contending*, that albeit that were true, yet she could not thereby be debarred from the right of the ward granted to her, for she might use any of the titles, either her liferent-right, or the right of the ward, against this excipient who had no right to exclude the ward, his infeftment not being confirmed;—THE LORDS found the exception relevant; for they found, that there being an infeftment granted to be holden of the su-