

No 4.

and not to bailies of regality, but by special grant from their lord: And, though Sir William be named in the charter only heresable baillie of regality, yet having annexed to his heritable right all the privileiges competent to any lord of regality; his not qualifying according to law, could only deprive him of the exercise of jurisdiction *qua* baillie of the regality, such as holding of courts, the benefit of sentence-money, and other perquisites or dues of court, and could not cut him off from disposing of the casualty of escheats, which is no exercise of jurisdiction, but a part of his property that belongs to him, as to a lord of regality, though the rebel be judged, and his lands lie within another jurisdiction, June 26. 1680, Young *contra* L. of Raploch, No 26. p. 3635. Mackenzie, Crim. part 2 tit. 11.

THE LORDS found, That Sir William Bruce had right to gift single escheats fallen within the regality of Kinross; and that by not taking the oaths, he did not lose that right. See ESCHEAT.

Eorbes, p. 688.

No 5:

1714. November 25. BRUCE *against* Ld. RASHIEHILL and Others.

It was found, That the sea-greens in carges, which in spring-tides are entirely overflown, are not *inter regalia*, and therefore need not be established as a separate fee, but they may belong to the neighbouring heritors, as part and pertinent of their lands.

Fol. Dic. vol. 2. p. 328. Dalrymple. Bruce.

. This case is No 2. p. 9342. *voce* NOVODAMUS.

No 6.

1739. December 7. Duke of ARGYLE *against* Sir ALEXANDER MURRAY.

FOUND, that the benefit of mines, &c. granted by the act of Parliament 1592, is not to be restricted to freeholders, immediate vassals of the Crown, but extends to all proprietors of land within the realm, freeholders, though holding of subject superiors.

Kilkerran, p. 478.

. Lord Kames reports this case :

By a statute in Parl. 12. James VI. *anno* 1592, it is enacted, " That mines and metals, in so far as they are part of his Majesty's property annexed, or any other way, shall be dissolved, and to the effect the same may be set in feu; and that it shall be lawful to his Majesty and his successors to set in feu-farm to every Earl, Lord, Baron, and other freeholder within the realm, all and