

indemnity, than restitution of his office ; since the act of Parliament imports no inability to enjoy a new office, but exposeth the recusant to the hazard of being turned out of his present office. 4^{to}, The pursuer's case cannot be thought excepted out of the indemnity, under the clause Forfeitures, &c. ; for that word abstractly mentioned is understood of forfeitures for treason ; which is farther cleared from the subsequent words, ' all sentences and dooms,' that can be applied only to sentences of forfeiture for treasonable crimes.

No 11.

THE LORDS sustained the defence, and assolizied the defender from the reduction.

Fol. Dic. v. 1. p. 462. Forbes, p. 705.

1729. July 29. JACKSON *against* MAGISTRATES of Edinburgh.

No 12.

THE Magistrates of Edinburgh having, during the rebellion 1715, caused pull down a house in the suburbs for better securing the town against enemies attacks ; in an action at the proprietor's instance against the Town for reparation, the LORDS found the said action was sopite by the act of indemnity *anno primo Georgii* ; though it was *argued*, that the act of indemnity was only calculated for crimes and offences ; not at all to bar civil reparation arising from a fact justifiable in itself, and done for the benefit of the public. See APPENDIX.

Fol. Dic. v. 1. p. 462.

See APPENDIX.