

No 254.

were not liquidated by a valuation, but the fifth part of the rent pursued for, which the defender pleaded he could not do, having only a right to pursue for the mails and duties, or other rents already liquidated.

Fol. Dic. v. 1. p. 503. Stair.

* * * This case is No 9. p. 4790. *voce* FORUM COMPETENS.

S E C T. II.

Jurisdiction in Criminalibus.

1579. December 16. LAIRD OF TOUCH *against* LAIRD OF STRATHURD.

No 255.

None but the King's immediate vassals can judge in matters of blood, or levy bloodwits: and this power being *merum imperium*, cannot be delegated.

IN the action betwixt the Laird of Touch and the Laird of Strathurd, the Laird of Strathurd having a part of the lands of Tullibody, holden of the Laird of Touch, as immediate vassal of the King; *alleged*, That he had not only power to hold courts, the which was granted, but also that he might sit upon blood, and take up the bloodwits. The Laird of Touch *alleged* in the contrary, That he was immediate vassal to the King, and baron of the land, and it appertained only to barons to sit upon blood and criminal actions, and not to any inferior vassal; and so the Laird of Strathurd, who had his land of him, could not sit upon blood, nor take up the bloodwits, and especially because there was mention of the same in his charter.—THE LORDS, after all, in one voice, decreed, that there could no inferior vassal or sub-vassal sit upon blood, except a baron, *quia hoc fuit meri imperii et potestatis gladii quod nullo modo delegari aut alteri concedi potuit.*

Fol. Dic. v. 1. p. 503. Colvil, MS. p. 27

No 256.

1611. July. CURROR *against* ———.

A BARON pursued his tenant in his own Court, for breaking of his arrestment, and convicting him thereof, and therefore to tyne all tacks and goods which he had within his barony. THE LORDS will allow of the decret, and grant letters conform thereto.

Fol. Dic. v. 1. p. 504. Haddington, MS. No 2278.