

V A S S A L.

1615. *November 29.* HAMILTON *against* TENANTS of NEWBURGH.

No. 1.

IN an action of removing pursued by George Hamilton upon an apprising against the tenants of Newburgh, the Lords found, That the ward of the land could not fall in the King's hands by the decease of Pa. Lo. Sinclair, because not only was his comprising led against him before his decease, but also his Majesty upon the comprising had given a charter; and albeit the Lo. Sinclair died before sasine, yet that could not prejudice the sasine and infeftment. This decided against the Laird of Ormiston, compearing.

Item, In the same cause, found, That an infeftment granted after the inhibition used by George Hamilton could not defend in the removing, more than in the comprising.

Kerse MS. fol. 112.

1629. *July 7.*

LADY CATHCART, Donatar to the Ward of Catrarty, *against* CARSICRAUFORD.

No. 2.

The Prince of Scotland is esteemed vassal to the King, and therefore, if the ward of lands holden of the Prince be disponed, the donatar may remove all free tenants that hold of him that is ward or feu, if the same be not confirmed by the Prince, by virtue of the act Ja. VI. Parl. 18. Cap. 14.

Auchinleck MS. p. 253.

1630. *July 9.* LORD KILCRENCHIE *against* HOME.

No. 3.

In a declarator of a vassal's life-rent disponed by his superior, it is alleged not necessary for the defender to produce, for instructing of his pursuit, the rebel's infeftment, but the superior's, for the rebel disclaims upon his own peril.

Auchinleck MS. p. 253.