

FORFEITURE.

1734. *July 5.* JAMES LORD OXFORD'S *Forfeiture.*

ALL creditors of forfeiting persons preferable to their superior's right by the act 1mo. Geo. I. called the Clan Act, and to all deriving right from them, whether creditors or singular successors. See M'Gill of Rankeillor, &c. Creditors of Hay of Naughton against Officers of State, *voce* COMPETITION.

No. 1.

1739. *February 15.* STIRLING *against* KEIR.

ADJUDICATION of a patronage forfeited, not competent at the instance of the Crown's donator of an annuity, for payment of the annuity, bygone, or in time coming.

No. 2.

1740. *July 8.*

EARL of SUTHERLAND *against* ALEXANDER ROSS, Creditor on the Estate of Skibo.

A SUPERIOR having, besides his right to his vassal's forfeited estate, given him by the Clan Act, also a claim of recognition, behoved, for preserving that claim, duly to enter it before the Commissioners of Enquiry; and having neglected to enter it, could not thereafter pursue a declarator of recognition.

No. 3.

1740. *November 14.* HOME of Billie *against* HOME of Ninewalls.

CLAIMS of property and superiority, as well as of debts saved from the effects of forfeiture by the late acts; and therefore a sale being made to a

No. 4.

- No. 4. vassal of his superiority by way of decret-arbitral, and the superior having assigned the price for onerous causes, and being afterwards forfeited before disposing the superiority, and the vassal having claimed and got the superiority upon the Clan Act as vassal; the Lords found him liable in the price, and that his claiming the superiority as vassal, and not upon the decret-arbitral, could not prejudice an onerous assignee.

1742. *February 25.*

M'KENZIE of Fairburn *against* OFFICERS of STATE.

- No. 5. FORFEITED estates held feu of the Crown, and afterwards purchased from the trustees, hold blench from the Crown, and are free from all feuduties by the act 6th Geo. I., notwithstanding the act 4th Geo. I.

1748. *November 4.*

ALEXANDER HENRY GORDON *against* OFFICERS of STATE.

- No. 6. SIR WILLIAM GORDON of Park, pursued a reduction of a sale of lands on account of a prior minute of sale betwixt the seller and him, from which the Lord Ordinary had assoilzied. Sir William reclaimed, and the defender had answered; but before advising, Sir William was attainted of high-treason; whereupon the defender, on a diligence, called the Officers of State, and intimated the process specially to the Lord Advocate, who declined to meddle or to support the petition. At advising, we doubted whether we could decide in the cause, because the Officers of State were not properly in the field so as to give a judgment against them; but in respect that the Lord Advocate declined to support the petition, we found it was fallen, and allowed the Lord Ordinary's decret to be extracted.

1749. *July 18.*

CLAIM, THOMAS DRUMMOND of Logie, of the Estate of Perth.

- No. 7. IF the attainted person shall not surrender before a certain day limited, if the person die before that time, the attainder is void and null, and the Court of Session, as having authority to determine claims on forfeited estates, have power to judge of it, though the attainder be by act of Parliament, in the same way as they must judge of a surrender; and the condi-