

DIVISION XIII.

Regality Court.

1610. February 7. EARL of BOTHWELL *against* L. CESSFORD.

No 361.

A PRELATE having made an heritable bailie of his barony, or regality, is not thought to have done that *privative*; but notwithstanding thereof, he may sit and judge himself whenever he pleases, but he may not appoint another bailie. Decided betwixt Francis Earl of Bothwell, and the Laird of Cessford bailie of the regality of Kelso.

Fol. Dic. v. 1. p. 509. Haddington, MS. No 1788.

1612. March —

A. *against* B.

No 362.

A LORD of regality has privilege to pursue removings, non-entries, and recognitions, before his own bailie.

Fol. Dic. v. 1. p. 509. Haddington, MS.

1622. February 26. EARL WINTON *against* ALMOUS.

No 363.

THE Earl of Winton pursuing a declarator, of the escheat of one called Almous, dwelling in the Plew of Weddel, within the regality of St Andrews, as a privilege of his heritable bailiary of the said regality, upon the southside of Forth, it was *excepted*, that his infestment gave him only escheats of court and not of rebels, because, neither were the escheats of rebels expressed in his infestment, nor were any escheats contained in the clause dispositive, but only in the clause after *tenendas* subjoined to the holding of courts. THE LORDS *repelled* the allegiance proponed by the defender, because of the general clause, and that the Archbishop opposed not; but the LORDS thought that the Earls' right in that point, was not valid, if the Archbishop should quarrel his infestment, so far as he thereby claimed escheats of rebels.

Fol. Dic. v. 1. p. 510. Haddington, MS. No 2606.