

By a clause in the act "for appointing commissioners to inquire," &c. all conveyances made by the forfeiting person, even after the 24th of June 1715, are declared to be good, if the onerous consideration be proved; much more ought this which was made in 1707, and the price admitted by the appellants to have been paid. As this act has provided for every demand in equity as well as in law, though it should, for argument's sake, be admitted, that the property of the estate was not absolutely or finally vested in the respondent, yet certainly in equity he had the only title to it, and the grantor had no title in equity, nor could he forfeit any equitable interest, which was not in him, but in the respondent.

After hearing counsel, *It is ordered and adjudged that the petition and appeal be dismissed, and that the interlocutory sentence or decree therein complained of be affirmed.*

Judgment,
20 Jan.
1720-21.

For Appellants, *Ro. Dundas.* *John Willes.*
For Respondent, *C. Talbot.* *Will. Hamilton,*

The Commissioners and Trustees of the
Forfeited Estates, - - - *Appellants; Case 77.*
Sir George Stewart of Balcasky, Bart. *Respondent.*

23d Jan. 1720-21.

Fiar.—Forfeiture for Treason.

ANOTHER question of the same nature as in the last appeal, arose between the same parties, in regard to the lands of Waterstown. The titles of the respondent to these lands stood in the same situation, as his titles to the lands of Gaskinhall. No cases have been found on the present appeal. That the questions were the same in this and the last appeal, appears from the report of the English Judges on the point of jurisdiction in the Court of Session, (Journal, 11 March 1719-20,) which they left undecided.

The judgment of the Court of Session, in favour of the respondent's predecessor, was pronounced on the 10th of September 1719.

The appeal was brought "from an interlocutory sentence or decree of the Lords of Session, of the 10th of September 1719."

Entered,
21 Dec.
1719.

After hearing counsel, *It is ordered and adjudged that the said petition and appeal be dismissed, and that the interlocutory sentence or decree therein complained of be affirmed.*

Judgment,
23 Jan.
1720-21.