

1780.

HOGG
v.
HOGG.

[M. 15103.]

SIR LAWRENCE DUNDAS, Bart., - - - *Appellant* ;
 HIS MAJESTY'S ADVOCATE, and other OFFICERS
 OF STATE for Scotland, on behalf of HIS
 MAJESTY, and PATRICK HONEYMAN, vassals,
 and Others, vassals of the Crown } *Respondents.*

House of Lords, 14th December 1779.

PATRIMONY OF THE CROWN—SUPERIOR AND VASSAL.

For full report of this case, *vide* Morison, p. 15103.

Held, in the Court of Session, that the superiorities and casualties of the Crown lands, in Orkney and Zeatland, formed a part of the Crown's patrimony annexed thereto *jure coronæ*, and could not be alienated or granted away by the Crown—such grants being illegal and unconstitutional, both as regards the rights of sovereign and vassal.

On appeal to the House of Lords. After hearing counsel, it was

Ordered and adjudged that the interlocutors complained of be, and the same is hereby affirmed.

For Appellant, *J. Mansfield, Ar. Macdonald, Chas. Dundas.*

For Respondents, *Al. Wedderburn, Henry Dundas, Alex. Murray.*

ROBERT HOGG Esq., of Ramoir, - - - *Appellant.*
 MARY HOGG, Widow of deceased Robert Gordon, *Respondent.*

House of Lords, 14th February 1780.

IRRITANCY OF LEASE—PENALTY.—A lease provided, that if two terms rent were allowed to be “resting and owing unpaid at one time, the tack should *eo ipso* become void and null,” with a fifth part more of termly moiety in case of failure. The tenant fell four years in arrear of rent. In an action brought under the annulling clause in the lease: Held the irritancy purgeable at the bar; and that the penalty, in case of failure of a fifth part more, was not exigible.

Gordon had a lease from Hogg, of the farm of Ramoir, the stipulated rent of the first two years being £160, and for the remaining years of the lease £200. The lease bound the tenant to pay this rent, “and so on yearly thereafter, during the continuance of this lease, together with