

person was Answerable for any death done by his Cattle upon anothers ground longer than in haining time, while the Cows were upon it; and no man finding his Neighbours Cattle Cutting his graze or spoiling his planting could have put them in a pound field, but only turn them off the ground without wronging them. Yet who so put Cattle in the Kings Forests, they are to be impounded, and the Cattle become Escheat and Confiscated two thirds to his Majesty and one third to the Forest. Act 12 Parl. 4 J. 3. Upon the Hooper or Forester may not show withal his own land without process of Law the one half to the King and the other half to him. Act 210 Parl. 14 J. 6. who put any timber within the Kings Woods or parks, or slay deer or wild fowl there, or ~~kill the cattle~~ with Gun Bow dog or hawk or other engine; or shoot with any Gun there, or in the night time within a Mile thereof, or slay any deer or Haying in time of Storm; their Moveables shall be Escheated, their persons punished at the Kings will. Act 210 Parl. J. 6. Which Royal Forests were anciently under the jurisdiction of the Comptroller who could escheat to the King up a pound of Cattle found straying thereon without his license. Act 128 Parl. 12 J. 6. But the Hooper, a third of the Cattle confiscated in the Forest only, if he find force upon them and no fears of what is seized by the Comptroller, or the hearing Warrant from the Sovereign. Ibid. 567. George McKewis Colborn. on act 12 Parl. 4 J. 3. Act 128 Parl. 12 J. 6. thinks it unreasonable, that fines the Royal Forests are not seized straying Cattle should be Escheated simply being found grazing there, unless they have been seized by put or Driven into the Forests, which only deserves punishment; because the Law Escheats only the Cattle of those found putting them in pastures in the Kings Forest. And Dominus non habetur ad Pecuniam animal ex foris ingrederetur Locum prohibitionem in Foresta. Bond de Magistrat. lib. 4 cap. 6. 118.

are Cattle escheat for being put in pastures in forests, unless such are notoriously known to be Forests. For if there was a probable Reason of Doubting if the ground where upon the Cattle are seized feeding, be a forest, they will not be Escheat, McKewis before on act 12 Parl. 4 J. 3. arg. Leg. Forest. cap. 2. vid. Argenti. Gul. dog a fine, where this matter is fully treated.

Any Baron or other Lands man may escheat all goods, i. e. Cattle found in their hained woods or Forests to their own use. Act 12 Parl. 4 J. 3. Hooper of Forests having right thereto by Infeoffment; and impowered to put the same of the Forest to Execution against transgressors, whom they call before them and try by an Inquest, they may fine slayers and slayers of Deer, Roe and wild fowl, if landed men, in 500 marks, of unlanded Respondeat non in 100 marks, and may Commit Unlanded men who are not Respondeat, to Prison and Punish their persons. Act 18 Parl. 22 J. 6. The King having in the Year 1680 by a signature under his hand granted a Warrant to the Lord of Exchequer, the Exchequer before passing thereof took the opinion of the Lord of Session about the Privilege and Inconvenience of Forests, and there after Reported to his Majesty the Inconvenience of granting Forests particularly to the Kings Privy Council, for Vassals, who would thereby be subjected to the heavy fine of having their Cattle all the Year over, to prevent their being escheat by passing over the March 29 June 1680. M. Athole contra Lord Cardallie. In England a forest in the hands of a subject is not properly a forest, but rather a chase.

There are many more Customs and privileges of the Kings forests and chases in England, than with in Scotland.

Ch. 6.
of Stationers.

Stationers