

1557. May 28. The QUEEN and her COMPTROLLER against HAMILTON.

ANENT the action pursued by the Queen's Grace, and her Comptroller, against Sir John Hamilton of Avondale, Knight, for the wronguous intromitting with the mails and profits of the lands of C, pertaining to our Sovereign Lady, by reason of excambion made by King James the V., and the said Sir John's father, betwixt the lands of C. and the lands of K.; it was *alleged* by the said Sir John, that he did no wrong in the intromitting with the mails of the said lands of C, because it was provided, in the charter made by our Sovereign Lord, and the said Sir John, that the father, nor his heirs, should not intromit with, nor uptake, the mails of the said lands of C, so long as he or they bruiks peaceably the lands of K; and that the said Sir John might not bruik peaceably the said lands of K, because the Lord Boyd was served by a brief of the said lands, and obtained sasine and real possession thereof; in respect of which, the said Sir John did no wrong in intromitting with the mails of C, he being secluded from K, as said is. It was *replied* by the said Queen's Advocate, That the said Sir John might have stopt the serving of the said brieve, raised by the Lord Boyd, by production of the said Sir John's father's instrument of sasine to the inquest the time of serving. It was *alleged* by the said Sir John, That howbeit he had produced the said sasine, as said is, it would not have stopt the serving of the said brieve, because the infestment made to his father by King James the Fifth, and sasine past thereupon, was made in the King's less age of twenty-one years, and therefore came under his general revocation, and was null in itself, and might noways have stopt the brieve. It was *answered* by the Queen's Advocate, That the said infestment, and sasine past thereupon, were made after the King was of twenty-one years complete, which was his perfect age; so that any thing done by the King, after that he be past twenty-one years, came not under his general revocation, nor may be revoked; which was found relevant by the Lords' interlocutor, that the King was of perfect age of twenty-one years, and might not revoke any thing done by him of that age; and the said Sir John's allegiance repelled by the said Lords.

*Fol. Dic. v. 1. p. 524. Maitland, MS. p. 122.*

1569. March 17. BALFOUR against BALFOUR.

ANENT the action of reduction pursued by David Balfour younger, against David Balfour elder, his father, for reduction of a charter of certain lands, set in feu farm, by the King's grace, to the said defender, with a clause contained in the charter; it was *alleged* by the donatar to the King's grace, That the charter made to the defender should be reduced; because it was contained in the said charter, that if the said defender annalized, or put away, any of the

No 8.

The King's perfect age found to be twenty-one years complete, so that whatever is done by him after that age, comes not under the general revocation.

No 9.

Lands being feued by the King, with a clause irri- tant, in case of alienation, a simple writ from the King, em-