

## S E C T. II.

## What carried by Forfeiture.

— November 9.

JOHN LORD BORTHWICK *against* MARJORY Spouse to Umquhile The LORD CRICHTON.

GIF the husband gevis and disponis to his wife ony landis, or annualrentis, in conjunct fie, or utherwayis, and thairefter hir said husband happinis to be foirfaltit for ony crimes committit be him, gif the said wife has not obtenit confirmatioun of the superiour, upon the said gift and dispositioun maid to hir, the samin landis or annualrentis cumis and fallis under foirfaultour as gif thay had never bene disponit.

No 6.

*Balfour, (FORFEITURE.) No 12. p. 564.*

1492. February 1. The KING *against* The LORD of ST JOHN.

GIF ony free tenant haldand landis of ony superiour under the King, ather spiritual or temporal, commit ony crime of tressoun, and is foirfaultit thairfoir, the King, because he cannot hald landis of ony man, sould present ane tenent to the said immediat overlord spiritual or temporal, of all and hail the landis, quhilkis sumtime pertenit to him that is foirfaltit, and require the said overlord to give infestment heritabilie of the samin landis to him quha is presentit; for, in sic caisis, powar and richt of presentatioun is understuid to pertene to his Grace as escheat; except the said overlord be specially infest with fie and foir-falture of his awin tenents; and the tenent quha is presentit may obtene a charge be deliverance of the Lordis of Counsal, under the testimonial of the Greit Seill conform to his presentatioun, and thairwith charge the said overlord to ressave him as immediat tenent to him in the saidis landis, and infest him and his airis, be chartour and sasine thairintill, to be haldin of the said overlord als frelie as the said persoun that is foirfaltit held the samin of him befoir; the quhilk gif the said overlord refusis to do, the said tenent may raise the remanent preceptis of our Soverane Lord's Chancellarie to charge the said overlord to ressave him in tenent in manner foresaid.

No 7.

*Balfour, (FORFEITURE.) No 8. p. 562.*