

1627. *March 27.*      *Lo. BALMERINOCHE against L. COVINGTON.*

IN an action at the instance of the Lord Balmerinoch against the Laird of Covington, who held the lands of the pursuer by ward-holding, for the double of his marriage; the defender *alleging*, That he was apparent heir to one of his forbears, who held and was infeft in the office of the crownery of Clidsdale by ward-holding of the King, whereby his marriage fell to the King; likeas the King had gifted the same to a donatar, so that the same could not pertain to this pursuer, and the pursuer *replying*, That that infeftment of that office could not prejudice the pursuer, because the same was granted, and proceeded upon the forfeiture of Sir James Hamilton, who was infeft in that office before the forfeiture; and it was of verity, that that forfeiture was by sentence of Parliament reductive, upon process and citation of all parties having interest, reduced and found null, with all that followed thereupon, this reply was found relevant to prefer the pursuer to the King in the defender's marriage, the same infeftment of the said office, which depended upon the forfeiture, having become extinct by the said sentence reductive, deduced in Parliament as said is; which the Lords found sufficient, albeit the defender's predecessors were not specially called to the reduction, seeing, after that reduction, none of the defender's predecessors were alleged to be infeft in that office, there being divers of his predecessors intervening betwixt him and that person, who was first infeft upon the said forfeiture, to whom the defender alleged himself to be apparent heir; and seeing it was *replied* also, that, since that reduction of the forfeiture, the Marquis of Hamilton stood infeft by the King in that office; which the Lords found relevant, albeit the defender's predecessors' infeftments were not reduced in particular, nor none representing him called to that reduction. Before this interlocutor, the parties were reputed to be privily agreed amongst themselves.

*Act. Stuart & Lermonth.*

*Alt. Nicolson & Rollock.*

*Clerk, Hay.*

*Durie, p. 295.*

1627. *June 29.*      *STUART against L. WEDDERBURN.*

IN a cause of wronguous intromission with the teinds of Coldingham, at the instance of John Stuart of Coldingham against the L. Wedderburn and Others; the said John Stuart being provided to the abbacy of Coldingham, and thereafter the Earl of Bothwell his father being forfeited, after whose forfeiture the Earl's posterity, by act of Parliament *anno* 1592, being declared unhabile to bruik any benefice in the kingdom; and, by another act of Parliament, *anno* 1594, the abbacy of Coldingham being annexed to the Crown, and the Earl of

No 50.

Effect of forfeiture by sentence of Parliament. See No 53. p. 4722.

No 51.

Intromission, though for onerous causes, after forfeiture, found to be wronguous.