

No 3. 1618. *June.* HALYBURTON *against* LORD BALMERINOCHE.

IN an action betwixt Halyburton and the Lo. Balmerinoch, the LORDS fand, that the Lord Balmerinoch could not be convened as successor to his father, because he was forfault, and the gratuitous restitution made him capable of rights disponed, but could not make him heir or successor to any but the Prince.

*Fol. Dic. v. 1. p. 313. Kerse, MS. fol. 125.*

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No 4. 1622. *July 11.* HAMILTON *against* STEWART.

IN an action betwixt William Hamilton of Whitelaw, and Margaret Stewart, daughter of umquhil Hercules Stewart, the LORDS found, that albeit the property of the said Hercules was declared to be dishabilitated by act of Parliament, that nevertheless the said Margaret had person to stand in judgment to pursue the said William Hamilton for fulfilling a bond made by him to her in 1614, whereby he was obliged to pay her yearly 200 merks during her mother's lifetime.

*Fol. Dic. v. 1. p. 313. Haddington, MS. No 2647.*

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No 5. 1626. *July 27.* ——— *against* The Earl of BOTHWELL'S SON.

THE abbacy of Coldingham being annexed to the Crown by the forfaulture of the Earl of Bothwell, and dishabilitation of John his son; in a removing pursued by one who had acquired a right of some lands therein from the King, John compearing for his interest, *excepted* upon a posterior act of Parliament, whereby he was restored, and all former acts in his prejudice, with all that had followed thereon, rescinded and annulled; the pursuer *replying* upon the act *salvo jure cujuslibet*, 'was not sustained.' The like had been found before betwixt the Earl of Nithsdale and the Tenants of Wauchopdale.

*Fol. Dic. v. 1. p. 313. Spottiswood, (FORFEITURE.) p. 133.*