

FORFEITURE.

SECT. I.

Effect of Forfeiture upon the Children of the Rebel.

1564. *January 18.*

Mr PATRICK BISSET *against* MARGARET and ELIZABETH BISSETS.

No 1.

DOME and sentence of foirfaltung being gevin and pronuncit aganis ony persoun for lese majestie committit be him, the superior may on na wayis, without the King's licence or presentatioun, give sasine be *clare constat* or utherwayis, of ony landis quhilkis pertinit to the said persoun the time of the foirfaltung to ony persoun as air and successour to him, or to ony of his predececessouris; and, gif he dois in the contrare, the samin sasine, with the possessioun, and all uther thingis that followis thairupon, requiris na reductioun, bot is null and of nane avail be way of exceptioun.

Fol. Dic. v. 1. p. 312. Balfour, (FORFEITURE.) No 9. p. 563.

1612. *February 1.* RUTHVEN *against* The EXECUTORS of FREELAND.

No 2.

THE umquhil Laird of Freeland having left a legacy of one thousand merks to the bairns of Alexander Ruthven, his brother, the relict and executor of Freeland excepted against the bairns's pursuit, that their father being forfeited, and his posterity declared by Parliament disabled, they could have no action. It was *replied*, That the King had given them a tutor, acknowledging therein that their father, by his forfeiture, was unable to govern their person or goods. THE LORDS, considering that the tutory was passed under the cashet, and that those who were disabled by Parliament could not be rehabilitated but by the King of his certain knowledge, refused to grant any process at their instance.

Fol. Dic. v. 1. p. 313. Haddington, MS. No 2385.