

ed to be proved, that the late Lord Pitsligo executed these personal faculties ; and found, That there could be no deduction from the sums in the adjudication, on account of the aliment furnished to the claimant by his father ; and sustained the claim for the principal sum and interest of the bonds accumulated into one sum without penalties, at the date of the respective adjudications, and for the interest of the sums so accumulated."

No 21.

Reporter, *Kames.*
B.

Act. *Ferguson.*

Alt. *King's Counsel.*
Fac. Col. No 197. p. 291.

* * * This case was appealed ;

The House of Lords " ORDERED, That the interlocutor complained of, 9th March 1756, be reversed, and the respondent's claim dismissed." See APPENDIX.

S E C T. III.

With what burdens forfeiture is affected.

1541. *March 15.* HELEN DOUGLAS *against* The King's ADVOCATE.

HELEN DOUGLAS, relict of umquhil Bartilmo Livingston, asked the Sheriff of N. to enter her to her right terce of certain lands of the barony of Livingston, of the terce of the quhilk hail barony, be the decease of her said husband, she was served of the said terce be the breives of the King's chappell, and kenned thereto be the Sheriff, that for the time was upon 22 years syne, albeit she as yet was not entered thereto, because there was ane Lady of the great terce yet ay livand while Juley last, wha, be vertue of the great terce broekit these lands that this Helen desired to be entered to. This land was halden of Sir James Hamilton ; and, be his forfalture, the King's Advocate alleged all to have come in the King's hands. THE LORDS decerned that the said Helen ought to be entered to her terce foresaid, and that the same could not be forfalt in this case, because it fell long before the said superior's forfalture ; albeit, be reason of the Lady of the great terce foresaid, the said Helen had never been yet entered reallie in possession thereof.

Fol. Dic. v. 1. p. 314. Sinclair, MS. p. 18.

No 22.

Where a superior of land was forfeited, found that the vassal's lady's terce would still be safe to her, it having fallen to her before the forfeiture ; tho' she was kept from possession till after the forfeiture, by another lady, who had the great terce, and died not till the superior was forfeited.