

No 12.

fuia great ane richt, and fuia deulie belanging to the King's crowne, that it could not be comprehendit under ane general disposition of regalitie.—Which reply the LORDS fand relevant, and, in respect thair of, repellit the exception.—Next it it wes *exceptit*, That this soume could not pertene to the donatour, becaus naither the King nor his donatour could be in ane better cais, as *ultimus hæres*, nor the defunct; and the defunct could never have had richt to the soume controverted, unles sche had been aire to hir father, becaus it wes providit to the aires-femell, and sche not being aire femell, had na richt; and consequentlie the King, as *ultimus hæres*, could have na richt.—It wes *ansvit*, That the provision wes confavit in favour of the bairns femell; and albeit sche wes not servit aire, yet the successeur to the lands wes ordanit, be contract, to pay that soume for her provision, and the King had succedit in her richt.—THE LORDS repellit the alledgeance, and fand that the donatour had richt.

Fol. Dic. v. 1. p. 93. Haddington, MS. No 649.

1612. February 18.

SIBBALD against GIBB.

No 13.
Found in conformity with the above.

THE Archbishop of St Andrews found to have no right to the escheats of bastards deceasing within the bounds of his regality, by his general infestment, unless he would offer to prove, that he was infest *per expressum* in his regality, *cum eschatis bastardorum*; notwithstanding that he *alleged*, That he and his predecessors had been in use many times, to decern upon the escheats of bastards deceasing within his regality, and give declarators thereupon; which was found unlawful.

Fol. Dic. v. 1. p. 93. Haddington, MS. No 2406.

S E C T. VII.

How far a Donatary of Bastardy is liable for the debts of the Bastard.
How a Debt against the Estate of a Bastard may be Constituted.
Do Tacks pass to the Donatary?

1685. November 24. GALBRAITH against DEANS.

No 14.
A donatary of bastardy found only liable *secundum vires hereditatis*.

GEORGE GALBRAITH being creditor to the deceased — Gib, obtained a sentence against Abigail Deans, as donatar to the bastardy of the said — Gib her husband, for payment of the debt. She suspended upon this reason, That the decret was against her in absence, and that she had since obtained the gift of her husband's escheat, which gave her a right to the whole moveables.—It