

S E C T. III.

Intromission.

1619. *July 1.* LORD DINGWAL *against* VANDOSME.

My Lord pursues Frances Vandosme, as universal intromitter with the goods of umquhile Erasmus Dury her spouse, to pay his debt. *Excepted*, any intromission she had was necessary, viz. household-gear, which she condescends on, which she could not cast furth; and the pursuer must condescend on her further intromission, for if it be of goods meddled with by her in England, quhilk she grants not, she can be liable only to restitution, by the custom of England. *Replied*, Meddled with mail in Scotland and England, and condescends. THE LORDS find that part of the exception relevant, bearing that her intromission in England can only produce restitution, she always proving the custom in England, which they admit to her probation; and also find the reply relevant, and admit it with the points of the summons to the pursuer's probation; and declare, albeit the pursuer prove that part of his reply of her intromission in England, yet that shall infer only restitution, she always proving the custom, and for proving of the summons and reply for the intromission within Scotland assigns the 26th July instant; and likewise, grants commission to Mr Thomas Johnston, and Mr Adam Newton, to receive and examine any witnesses, to be produced before them by the pursuer, for proving the English intromission, and by the defender for proving the custom; and that any day betwixt the 15th day of October and the 24th thereof; and to report the 20th November.

Clerk, *Durie*.*Fol. Dic. v. 1. p. 318. Nicolson, No 168. p. 120.*1683. *March.* ARCHBISHOP of GLASGOW *against* STEPHEN BRUNTSFIELD.

INTROMISSION with goods in England, or foreign places, belonging to a Scotsman, who died in Scotland, without confirmation here, made no passive title, but only found to be a ground to make the intromitter liable *in valorem*, if not exhausted *aliunde*.

Found that executors in Scotland need not confirm debts in England, or foreign parts, due to the defunct, seeing confirmation here would give them no

No 15.
Intromission
in a foreign
country with
the effects of
a defunct
Scotsman,
will not infer
vitious intro-
mission.

No 16.