

of the rights pertaining to the defunct, whereunto the heir of line might succeed.

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1629. *June 25.* SIR MUNGO MURRAY, Donatar to the Nonentries of Athole, *against* DRUMKILBO, INCHMARTIN, and OTHERS.

As many persons as are infest in lands, as many gifts of nonentry may be given by the superior, through the decease of those that were infest, and a general declarator may follow upon all the gifts; but the rights of the infestment may be reserved to the special declarator, when the donatar pursues for the mails and duties, or for removing.

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1629. *June 26.* MACKGIE *against* BALMAGIE.

A CHARGE of horning, executed by a messenger at a man's dwelling-house, where he left a copy; and, upon that same day, the messenger having met with the said man personally; he made intimation to him of the said charge given to him at his dwelling-house. The Lords would not sustain the charge; because the indorsation bore not that he gave him an authentic copy the time of the intimation made personally.

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1629. *July 1.* LADY DUMFERMLING *against* Her Son.

THE receipt of feu-duties from vassals that have not a valid right, will not prejudice the superior to reduce the said feus.

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1629. *July 1.* The LADY DUMFERMLING *against* The EARL, her Son.

IN the seeking of a contract of marriage to be fulfilled, where the husband is obliged to infest his wife in all the lands and heritages that he shall happen to conquesche during the marriage; it is to be understood of lawful and valid rights, whereby they may bruik the lands; but if a lord of erection buy, from his pretended vassal, a feu unconfirmed, this conquest is found, by the Lords, no conquest of a valid right, but, as it were, the acquiring of the vassal's possession and kindness.

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