

GIFT OF BASTARDY.

1610. *June 7.* MILLER *against* STEWART.

No 1.

HE that has got a gift of bastardy, and seeks declarator thereupon, if another donatar appear and allege an anterior gift and possession of the defunct's goods, by virtue of his first gift, and that he has a declarator also raised and executed, the LORDS will have no respect to his execution founded upon his possession, but will prefer the pursuer, having the last gift, and having intented the first declarator.

Fol. Dic. v. 1. p. 346. Haddington, MS. No 1880.

1629. *July 7.* WALLACE *against* MURE.

No 2.

THE lawful wife of any bastard, deceasing without bairns, has good right to the half of her husband's moveables, against any gift of bastardy.

In the same action the LORDS found, That heritable bonds, whereupon infestment follows, come under the general gift of bastardy, and need no particular gift, as is requisite in lands pertaining to a bastard.

Fol. Dic. v. 1. p. 346. Auchinleck, MS. p. 20.

* * This case is reported by Durie, No 9. 1350.

See APPENDIX.