

her husband's goods and gear. She alleges, She cannot be convened as universal intromitrix, because her husband died rebel, and David Symson obtained the gift of his escheat, and she, by his right and tolerance, bruiked the possession of her husband's goods and gear. To the which it was replied, that the gift was taken to the defunct's own behoof, in so far as he remained still in possession so long as he lived, and no declarator sought by the donatar while two years after the defunct's decease. The Lords ordained the relict to make count, and be answerable for all her intromissions.

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1629. July 23. The LAIRD of HADDO *against* the LAIRD of LUDQUHAIRN, his Curator.

THE Laird of Haddo, having curators, pursues the Laird of Ludquhairn, one of the curators, for exhibition and delivery of his writs. It is alleged by Ludquhairn, That the pursuer, not having the concurrence of the rest of the curators, can have no action against him, who is one of his curators. To the which it was replied, that he had chosen curators *ad hanc litem*. The Lords sustained the pursuit only for exhibition of the evidents.

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1629. July 30. MARION MACKALA *against* JAMES CRIGHTOUN of ABERCROMBIE.

JAMES Crightoun of Abercrombie is pursued by Marion Mackala, to make certain oxen, pertaining to Mr Andrew Sandilands, forthcoming; and the having of the goods is referred to his oath. He depones, That he borrowed certain oxen from the said Mr Andrew; and when his work was done, Mr Andrew came and took them away. The Lords absolved him from the pursuit.

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1629. July 31. PATRICK MURRAY *against* A. B.

MR James Stewart, commissary of Dunkell's escheat and liferent is taken by Mr Patrick Murray, who pursues a general declarator; compares A. B. who was donatar to the said James's escheat and liferent long before, *viz. in anno* 1615; and, being admitted for his interest, alleged, That the horning, whereupon the last gift is taken by Mr Patrick Murray, and offers to improve the executions of them; in respect whereof no declarator can be granted. To the which it was answered, That the said first donatar cannot have an interest to stay a general declarator of the commissary's escheat upon this horning, which was executed *in anno* 1625, long after the first donatar's gift, and this was only proponed for the single escheat, and not for the liferent. To the which it was duplied, That the first donatar had good interest to quarrel any right that might