

D I V I S I O N VII.

Testament within what District it must be Confirmed.

1611. *June 25.* Old LAIRD of ABERCROMBY.
- No 56. THE testament of a man having diverse goods and gear at his decease in the dioceses of St Andrews, Dunkell, and Brechen; if his principal dwelling and decease have been in the diocese of St Andrews, his testament will be confirmed there.
- Fol. Dic. v. 1. p. 330. Haddington, MS. p. 2242.*
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1629. *July 21.* BALCANQUELL *against* BALCANQUELL.
- No 57. A TESTAMENT dative was found null, in respect that the executors being de-cerned before the Commissaries of Edinburgh, they had confirmed before the Commissary of Dunkeld.
- Fol. Dic. v. 1. p. 330. Spottiswood, (TESTAMENT.) p. 339.*
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1632. *March 14.* HEBURN *against* DICKSON.
- No 58. A TESTAMENT should be confirmed by the Commissaries in whose bounds and jurisdiction the defunct remained the time of his decease, and where the most part of his goods were the said time.
- Auchinleck, MS. p. 239.*
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1661. *November 22.* DOUGLAS *against* JOHNSTON.
- No 59. IN the competition between Douglas in Abernethy, who confirmed himself executor-creditor to Gilbert Wemyss in Dumblane, where Gilbert dwelt, and John Johnston as executor confirmed to the said Gilbert by the Commissaries of Edinburgh, because Gilbert, in a voyage from Scotland to Holland, died at sea.
- THE LORDS found the Commissaries of Edinburgh to have no right, unless the defunct had died abroad *animo remanentis*. This interlocutor was staid till the Commissaries were further heard.
- Fol. Dic. v. 1. p. 331. Stair, v. 1. p. 62.*