

intented, or depending, craving sequestration; and albeit also the Earl and Johnston of Corehead *alleged*, There was no reason to grant the same, seeing they were in possession of the land by a great part thereof in mansing, and the rest by uplifting the duties thereof from the tenants; likeas, the Lord Johnston nor the apparent heir had any real right, which might be the ground of the sequestration; notwithstanding whereof, the sequestration was ordained for such duties as was not uplifted already, and in time coming, ay and while the process ended, so far as concerned the lands set to tenants, but not for the Mains possessed in mansing by Corehead; Also, the LORDS sustained the confirmation foresaid of the said public infestment, although done after the granter's decease; which infestment and confirmation thereof were found valid, done at any time whatsoever the superior pleased, either before or after the disponder's decease, at any time, where there was no intervening impediment of any other more lawful right, made by the disponder before the confirmation, really of the saids lands; in which case, if any such real right had been lawfully perfected before the confirmation, there might have been argument, that the confirmation might have been controverted, as not valid, after the decease of the disponder, as that thereby *confirmatio et confirmatum non possent conjungi post mortem, propter illud medium impedimentum.*

No 14.

Act. *Stuart et Cunninghame.* . . . Alt. *Advocatus et Nicolson.* . . . Clerk, *Scot.* . . .
Fol. Dic. v. I. p. 193. Durie, p. 727.

1663. *January 16.* TENANTS OF KILCHATTAN *against* LADY KILCHATTAN.

A CONJUNCT infestment granted to man and wife, to be holden of the crown, being null for want of confirmation, it was *argued* for the wife, that her interest needed no confirmation resolving into a liferent, which is but a personal servitude, which was repelled.

No 15.

Fol. Dic. v. I. p. 194. Stair.

* * * See The particulars of this case, *voce* BASE INFESTMENT, No I. p. 1259.

1669. *July 23.* JAMES GRAY *against* MARGARET KER.

JAMES GRAY having appraised certain lands, and having charged the superior, pursues for mails and duties. Compearance is made for Margaret Ker, who produces her infestment granted by her husband, the common author, prior to the appraising, and craves to be preferred. The pursuer *answered*, That her infestment being granted by her husband, to be holden of the superior, not confirmed, is null. To the which it was *answered*, That an infestment of a liferent,

No 16.
 Found as
 above.