

prodest successori; and this ground holding, as in law and equity it ought, there is no necessity to allege possession, but her right is good without possession;—the Lords repelled the exception, and sustained the pursuer's right, and preferred the same to the excipients' public right, seeing they found, that the acquiring of the right by her husband, as heir to his goodsir, behoved to be profitable to her, who was infest, albeit base, before that acquisition, and the said base right was considered as if it had flowed to her from her husband's self.

No. 11.

1637. *July 28.*—In this action it was further eiked by the defenders to that exception proponed before by them, that the union ought not to be respected, the lands united being distinct baronies, holden of divers superiors, viz. the one of the King, and the other of the Prince, and the union appointing the sasine to be taken upon the ground of the lands holden of the Prince to serve for the lands also holden of the King, whereas they lay 40 miles sundry, and in divers sheriffdoms, and so against nature, and which can never be sustained as a warrant to the father to grant to his son and his wife an infestment of a base holding, containing the like union, that base right never being confirmed, and neither the wife nor the husband, nor their author, ever being in possession of the lands, whereas the defenders and their authors are publicly infest, and, by virtue thereof, these eighteen years in possession, which ought to defend them from removing in this possessory judgment;—which allegiance was repelled by the Lords.

Act. *Mowat.*Alt. *Nicolson & Neilson.*Clerk, *Gibson.**Durie, p. 845, 851, 855.*

1673. *June 12.* FAA *against* POURIE and BALMERINO.

Lands lying in different sheriffdoms were united into one barony by a charter under the Great Seal. Sasine taken at the manor-place in one of the counties was found sufficient, which it was necessary to register only in that county.

No. 12.

Gosford.

* * * This case is No. 25. p. 9307. *voce* NONENTRY.

1686. *February.* COUNTESS OF KINCARDINE *against* EARL OF MAR.

A few acres being bought by my Lord Kincardine from several heritors, being inclosed in one park with some of his own land, and so naturally united, a dispensation by a subject for taking sasine at one place for the whole was found sufficient, without a formal erection and union from the King.

No. 13.

Harcarse.