

## SECT. VI.

## Colourable Title of Intromission.

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A against B.

No. 39. A PERSON being the King's donatar, and intromitting with escheat-goods *brevi manu* without declarator, this was found sufficient to liberate him *a spolio*. See APPENDIX.

*Fol. Dic. v. 2. p. 390. Sinclair MS.*

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1543. February 21. EXECUTORS of a BASTARD against DOUGLAS.

No. 40. ONE Douglas obtained the escheat of bastardy of a man, and the King's letters upon his gift to the Sheriff in that part, to cause him be answered of the said man's goods, and by virtue of these letters an officer and he past and took up all the man's goods and gear and insight. The man's executors asked for spuilzie, and showed how the man was rehabilitated by the King, and so the escheat was not. The Lords decerned and ordained reum in spolio, petito. et actoris juramentum dandum de quantitate rerum licet reus habuerit titulum coloratum intromittendi, yet he ought not to have taken the goods and gear at his own hand, but should have called the possessors, and now his title reduced falsum fuisse ab initio.

*Fol. Dic. v. 2. p. 391. Sinclair MS. p. 46.*

\* \* Balfour reports this case :

Gif ony persoun obtenis the eschete of bastardrie, with the Lordis letteris, conform to his gift, to cause him be answerit conform thairto, and intromettis with the saidis gudis and geir alledgit pertening to the said umquhile bastard, he may be callit and convict for spuilzie thairto, at the instance of the said umquhile bastard's executouris, gif they sufficientlie preive that the bastard was rehabilitat befor his deceis ; because, albeit he had ane colourit titill, and the Lordis letteris, neverthe-