

ought airship goods, but if the said air be servit air to him of some landis or rents; and the said Mr James's air was not air of any such lands, whilk the said Mr James had none when he deceist.

Fol. Dic. v. 1. p. 365. Sinclair, MS. p. 29.

No 9.

1543. July 2. CRAWFORD and SEMPLE against CRAWFORD.

MARGARET SEMPLE, and Robert Crawford her spouse, for his interest, askit airship goods of her goodsir the Laird of —, and Thomas Crawford, now the Laird thereof, and intromitter therewith.—It was *excepted*, because she was not air to him of any lands, she ought to have none of his guidis, and also *ipse non obiit vestitus de ullis terris ut de fædo*. Nevertheless the LORDS decernit her to have action *quia erat deservita hæres, non de terris, et hoc eo magis pater dictæ Margaretæ obiit dominus liberi tenementi in — et erat nobilis, et baro*, and therefore to have ane air, and the air to have airship guidis.

Fol. Dic. v. 1. p. 365. Sinclair, MS. p. 53.

No 10.

Heirship due to the heir of a baron who died infest in lands, though they had been otherwise disposed of than to the heir.

* * * Balfour reports the same case :

GIF ony gentleman or baron beand frank-tenementar allendarlie of ony landis, deceissis, his air aucht and sould have airship gudis, albeit he be not servit air to him in special of ony landis, bot air general allendarlie.

Balfour, (AIRSHIP GUDIS.) No 5. p. 236.

1562. March 12. The LAIRD of TRAQUAIR against PATRICK HOME.

GIF ony ladie of heritage, lauchfullie maryit with ane husband, deceissis leiv- and behind hir na lauchful bairnis gottin of hir bodie, the nearest of hir kin sould have ane just airship of all gudis and geir pertening to hir the time of hir deceis; and scho in hir testament or latter-will may not dispoñe the samin to hir husband, or ony uther, be way of executorie, or be reason of legacie.

Balfour, (AIRSHIP GUDIS.) No 4. p. 236.

* * * Maitland reports the same case:

ANENT the action persewed be the L. of Traquair, as nearest air to Agnes Rutherford, heretrix of the land, spouse to Patrick Home of Broomhouse, against the said Patrick, before certain Sheriffs in that part, be deliverance of the Lords under the white wax, it was *alleged* be the said persewar, That he should have ane airship, and the best of everie thing that pertained to the said Rutherford, to whom he was air, and also should have the half of the haill gear, guidis, and debts, pertaining to the said Patrick and the said Rutherford the time of

No 11.

An heiress having no children, conveyed, by testament, her property away from her nearest of kin. They notwithstanding claimed heirship, and were found entitled to it.