

1631. February 10. EARL of GALLOWAY against BURGESSES of WIGTON.

No. 9.

Found, in conformity with Aitken, No. 3. p. 16397. that union cannot be constituted by a subject, unless confirmed by the King.

Durie.

* * This case is No. 25. p. 7193. *voce* IRRITANCY.

1636. January 26. LADY BORTHWICK against KER.

No. 10.

An union was found sufficiently established by the King's confirmation of a charter, bearing a clause of union.

Durie.

* * This case is No. 28. p. 1748. *voce* BONA FIDE CONSUMPTION.

1637. June 22. LA. BLAIRQUHEN against TENANTS.

No. 11.

The La. Blairquhen, by a base right, holden of her father-in-law, who gave infestment to her and her husband, his eldest son, of all his lands, (which were *distincta tenementa*, and lay discontinuous, in divers sheriffdoms), and which were united to his goodsir by the King, in a barony called the Barony of Blairquhen, and whereby the King appointed one sasine to be taken for all the lands, at the place of ———, to serve for all the lands united, notwithstanding of the discontinuity; the said Lady being infest, as said is, base, by her father-in-law, and being seised at that same place of union which was contained and appointed in the charter of union granted by the King to her said husband's goodsir, and pursuing removing against the tenants, and the Viscount of Kenmuire compearing, and defending for certain of these lands, wherein he was infest, and quarrelling her sasine of nullity, because it was taken at the place of ———, which could not be effectual to her, but for those lands whereat it was taken, and so many of the other lands as lay contiguous thereto, and could not be extended to those lands excepted upon, which lay discontinuous, and were naturally in another sheriffdom than that sheriffdom within the which these lands whereat she was infest lay, and the union granted to her author, which designs that place for sasine to serve for all, cannot be effectual to her, and cannot grant power to her author to grant a base right (albeit his father had an union himself) to any other, with the privilege to take sasine at that place for these lands lying discontinuous, albeit the sasine was given to her of all the lands united by the first union of the King, except that

If discontinuous lands, in different shires, have been erected into one barony by the Crown, base infestment, by precept from the King's vassal, at the place appointed, is good for the whole lands.