

whole immoveables; and the one half of all the other moveables pertaining to the bastard at his decease; he finding caution to pay the bastard's debts, as accords of the law, and allowing the expences of burial, &c.; and the relict the other half: And likewise, the King, or his donatar, who getteth the half of the bastard's moveable goods, will be subject in payment of the half of his debts; but, if he intromit with the half of the moveables, and with the whole lands, he is obliged to pay the whole debts.

*Spottiswood, (BASTARDY.) p. 27.*

\* \* The same case, also dated 29th July 1566, and without names, is likewise reported by Sir Richard Maitland.

ANENT the action pursued by a donatar of the escheat of bastardy of unquhile B. it was *alleged* be the wife of the bastard, That the said donatar sude have na mair but the half of the gudes of her husband, and she to have the other half; whilk allegiance of the said wife was found relevant. And als it was *alleged* be the said wife, That the said donatar shouid have the half of the gear pertaining to the husband, shouid pay the half of the bastard's debts: Whilk allegiance of the said wife was also found relevant; and found, be interloquitor, that gif the King gat the half of the bastard's goods or lands, that the King shall pay the half of the debts awand be the bastard to whatsoever creditor.

*Maitland, MS. p. 79.*

1541. *March 3.* EARL OF ERROL against N.

THE LORDS decerned in a cause of a gift of bastardy, granted by the King to the Earl of Errol, of the escheat of N.; that the said gift could not extend but to part of the moveable gear that ought to pertain to the man, and he had not been bastard; and therefore decerned his wife M. to have the half of the goods, because the man died without bairns; and therefore, of the practiques, the one half of the gear ought to pertain to her: And so the King allowed but the one half that pertained the man.

*Sinclair, MS. p. 31.*

No 4.  
If the bastard was married, and died without children, the gift of bastardy carried only the one half of the goods; the other belonging to the wife.

1629. *July 7.* WALLACE against MUIR.

THE lawful wife of any bastard deceasing without bairns, has good right to the half of the husband's moveables against any gift of bastardy.

No 5.  
Found as above.

*July 9.* In the same action, the LORDS found, That heritable bonds, whereupon infestments follow, come under the general gift of bastardy, and need no particular gift as is required in lands pertaining to a bastard.

*Auchinleck, (BASTARDY.) MS. p. 20.*