

on a right from one Buse, and died infert; and the heirs of Donne having got into possession, Lisle's heir recovered decret of removing, of whose right the Donnes pursued a reduction *in anno* 1679. Alleged for the defenders, *Minor non tenetur placitare*. Answered, Alexander Donne, the pursuer's author, died in possession, and the defender provoked to judgment by the removing. The Lords sustained the answer.

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1681. *December 1.* GORDON *against* ROBERT BURNET.

A DISPOSITION of moveables, and sums of money on death, though to a conjunct person, a son-in-law, sustained to purge the passive title of vitious intromission.

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1681, *Dec. 2*; and 1682, *Jan. 27.* JOHNSTON *against* MELVIL.

AN adjudication against three sisters, heirs-portioners, whereof two renounced to be heir, found null as to the third of the sisters not renouncing, and restricted to the debt in the decret *cognitionis causa*; as to which it was sustained; but, thereafter, *January 27, 1682*, the Lords sustained it only as a real security for the principal sum, annual-rent, and necessary expenses, and not for accumulations; and found, that it could not expire, though no order were used.

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1681. *December 3.* DALGARNO *against* URQUHART.

A SON forisfamiliated being pursued as vitious intromittor with his father's goods, his defence was, that he entered in possession of the goods only *custodiæ causa*, and got himself clothed with a gift of his father's escheat in a month after; which the Lords sustained in respect of the defender's great diligence to procure the gift.

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1681. *December 3.* SIR DAVID OGILVY *against* OGILVY of LOGIE.

A WRITTEN citation, before a baron court, to pay the rents contained in the pursuer's disposition and assignation, found to be a formal intimation, and sufficient to exclude a posterior arrester of the rents assigned; and the assignee's intimating judicially the said assignation in the baron court, and producing the same to the clerk in court, was sufficient intimation.

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