

decreet of violent profits, and execution to follow thereupon, and *alleged* the practie betwixt William Hamilton burges of Edinburgh, and the Lady Samuelston, and Archibald Hamilton her son. THE LORDS found, that the heir of conquest should first be discussed *in quantum sufficebat valor terrarum appretiatarum*, and if these were all exhausted, that he should be no farther discussed *nisi in subsidium* of the general heir, who should be first discussed for all the rest of the decreet.

No 22.

Fol. Dic. v. 3. p. 247. Haddington, MS. No 1363.

1611. February 19.

FAIRLIE *against* HEIRS OF BLAIR.

No 23.

BURDENS lying upon tailzied lands, and bonds to infett men in the property thereof, or annualrents furth thereof, should be borne by the heir of tailzie succeeding to these lands.

Fol. Dic. v. 1. p. 247. Haddington.

* * See this case, No 83, p. 2746.

1615. June 23.

GORDON *against* M'DOWAL.

No 24.

IN an action betwixt Hugh Gordon of Grange and Fergus M'Dowal, THE LORDS found an execution proper against Grange as heir of conquest, without discussing the heir of line, because the contract was made upon the lands that pertained to the heir of conquest.

Fol. Dic. v. 1. p. 247. Kerse, MS. p. 138.

S E C T. VI.

What understood sufficient discussion.

1608. November. HUME of Renton *against* L. of RESTALRIG.

No 25.

ALEXANDER HUME of Renton pursued the heirs and executors of the umquhile Laird Restalrig, for the translation of a decreet obtained by him against Restalrig. It was *alleged* by the executors, that no process should be granted against them, till the defunct's heirs were first discussed, who had right by the

A defunct's creditor having discussed the heir general to the length of horning, he is