

D I S C U S S I O N .

---

D I V I S I O N I .

Discussion of Heirs.

---

S E C T . I .

Who have the benefit of Discussion.

1621. June 22. DUNBAR against HAY of \_\_\_\_\_.

**F**OUND that the heir of tailzie cannot be pursued while the heir-male of blood be discust, the opponer condescending that there are lands, teinds, or annualrents, to the which the heir male may succeed.

*Fol. Dic. v. 1. p. 245. Kerse, MS. fol. 138.*

No 1.

---

1630. February 12. CREDITORS OF FAIRLY against His HEIRS.

If a creditor pursue registration of a bond both against the heir of line and conquest, the heir of line offers to renounce, the heir of conquest oppones to the renunciation, and *alleges* no registration can be decerned against him, till the heir of line were first discussed;—THE LORDS ordain registration against both the heirs, but suspend execution till the heir of line be first discussed.

*Fol. Dic. v. 1. p. 245. Auchinleck, MS, p. 6.*

No 2.

The heir of line must be discussed before the heir of conquest.