

HERITAGE AND CONQUEST.

1625. June 24. HEIRS of the EARL of DUNBAR Competing.

THE LORDS fand a tack disponed to the Earl of Dunbar and his heirs-male succeeding to him, by proving of brieve, to pertain not to the heir-male of conquest, who was John Home of Shegden, the elder brother, but to the heir-male descending, viz. the younger brother, and this notwithstanding it was *objected*, that the E. of Dunbar had one general of his own body, viz. his daughter, and that there could not be two heirs general, viz. one lineal, and another collateral; and also, notwithstanding of the word "succeeding," which was contended should be respected heirs succeeding to lands.

Fol. Dic. v. 1. p. 375. Kerse, MS. fol. 130.

1663. June 23. FERGUSON *against* FERGUSON.

UMQUHIL ——— Ferguson in Restalrig, having a tack set to him by the Lord Balmerino for certain years, his eldest brother's son, as heir of conquest, and his youngest brother's son, as heir of line, competed for the mails and duties of the lands.

THE LORDS found the tack to belong to the heir of line, albeit it was conquest by the defender.

Fol. Dic. v. 1. p. 375. Stair, v. 1. p. 193.

1675. July 7. ROBERTSON *against* LORD HALKERTON.

THE Laird of Halkerton having granted a bond to his daughter, 'obligeth him and his heirs to infest her in an annualrent of 100 merks out of certain lands expressed,' and containing thereafter a clause of requisition and reversion; she having died without children, Sir Patrick Falconer, her immediate younger brother, having entered heir-general to her, assigns the bond to Ro-

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No 1.

A tack belongs to the heir of line, although conquest by the defunct. See No 2. *infra*.

No 2.

Found as above.

No 3.

A father granted bond to his daughter, obliging himself to infest her in