

## H E R E Z E L D.

1470. October 17. JOHN LOGIE *against* ANNA HOWISON.

A NE tak and assedatioun of ony landis beand set and disponit be ony man to his tenant, and his wife, and the langest levar of thame twa; gif it happin the said tenant to deceis befor the ische of the tak, the settar and gevar of the samin may on na wayis persew his said tenants wife or bairnis for ony herezeld, considering that the tak set be him, in manner foirsaid, is not as zit endit or expyrit.

*Fol. Dic. v. 1. p. 376. Balfour, (HEREZELD.) No 6. p. 200.*

No 1.

Herezeld may not be demanded until the ish of the tack.

1547. June 16. CUTLER OF SINCLAIR *against* WAUCHOPE.

In ane action of spuilzie movit be John Cutler in ———, *against* Isobella Wauchope, relict *quondam* Jacobi Logan in ———, the LORDS decernit, that the said John Cutler aught na herezeld to her, because his father that died had but four acres or thereby of land of the said Isobel, lying beside ———, and dwelt thereupon, and was not husband; and the laws of this realm require ad hoc quod aliquis solvat herezeldam, quod sit husbandus sedens et moriens super terram alicujus liberi hominis, et quod ad minus tenuerit de eo octavam partem unius davatæ terræ, (four pleuchs of land;) et in casu nostro dicti Joannis pater mortuus, nec sedebat tempore sui decessus super dictam terram, nec tantam tenebat terram; et sic domini decreverunt herezeldam non solvendam, et ideo condemnarunt in spolio dicto, equi ut herezeldæ capti, ipsam Isabellam captricem ejusdem.

*Fol. Dic. v. 1. p. 376. Sinclair, MS. p. 77.*

No 2.

Herezelds are only due when the tenant was residing and died upon the ground, and did possess at least octavam partem unius davatæ terræ. Davata terra is four ploughs of land.

\* \* \* Balfour reports the same case :

No 2.

NA man, be the law of this realme, aucht and should pay herezeld, except the time of his deceis he was ane husbandman, and had, at the leist, four oxengang of land, and dwelt and deceist thairupon : And gif he had ony les, his sone, wife, bairnis, nor ony uther persoun, aucht nor sould not pay ony herezeld.

*Balfour, (HEREZELD.) No 5. p. 200.*

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A. against B.

No 3.

A RELICT bruiking land *per tacitam relocationem*, and another husband marrying her after his decease, the master will get ane herezeld, because all labourers (husbands) are obliged therein to their master.

*Fol. Dic. v. 1. p. 376. Colvil,\* p. 21.*

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LADY TROCHRIG against BAIRD.

No 4.

Herezeld found due though the lands were let in steelbow.

IN an action pursued by Margaret Chalmers, Lady Trochrig, *contra* Oliver Baird, who was occupier of the lands of Grange, pertaining to the said Lady in liferent, it was found, that the Lady had good right to a herezeld of the defunct, notwithstanding it was opponed, that he was both a farmer and had the room in steelbow.

*Fol. Dic. v. 1. p. 376. Kerse, MS. p. 120.*

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CALLENDER against HIS TENANTS.

No 5.

IN ane matter pursued by Walter Callender *contra* his Tenants, it was found, that an herezeld should be paid, because the defender was under marriage, and a decret of removing was obtained against him.

*Kerse, MS. p. 120.*

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1610. February 24.

A. against B.

No 6.

A TENANT, whether he be mailer or farmer, and whether he have tack or not, deceasing, his master will get an herezeld of the best of his quick goods. A

\* Lord Kames supposed the reports, subjoined to MS. copy of those of Colvil, to have been made by the same author, but that is uncertain.