

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 _____.

FOUND 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.