

HEIR CUM BENEFICIO.

1736. *Feb. 17.* Mrs ANN MURRAY *against* PATRICK CRAWFURD.
 1738. *July 11.* CRAWFURD *against* YOUNG; and STRACHAN'S CREDITORS *against* His DAUGHTERS.

No. 1.

THAT heirs *cum beneficio* cannot stop a sale at the instance of their predecessor's executors, was first found 4th July 1735, but they afterwards altered that judgment, and found that the sale could not proceed against the heir *cum beneficio*, who was found liable only for the proven value, 25th November 1735, 17th February 1736 *inter eosdem*. The Lords, after long and full deliberation, altered the above judgment, and now found that the creditors have a right to bring the estate to a sale, notwithstanding of the offer by the heirs of the proven value, and that in two different cases, viz. Margaret Crawford, Relict of Young of Killicanty, against Alexander Young; and Creditors of Strachan of Glenkindy against His Daughters, 11th July 1738. (See DICT. No. 15. p. 5346 and No. 16. p. 5348.)

1738. *November 28.* CREDITORS of M'DOUALL of Crichen, *Competing*.

No. 2.

THOUGH the heir *cum beneficio* was found liable only for the proven value, and not to allow the estate to be sold, yet in the competition of his creditors, the Lords found that neither the priority of their citation of the heir, nor constitution against him, gave them any preference, but that such as had affected the estate were preferable according to their diligence, and all the rest *pari passu*. *Vide inter eosdem voce* EXECUTOR. (See DICT. No. 17. p. 5348.)

1741. *June 19.* CREDITORS of M'DOUALL of Crichen *against* CRICHEN.

No. 3.

HAVING proved the value of the estate, and the competition of the creditors having depended already seven years, during which the heir *cum*