

1740. *January 8.*DUKE OF HAMILTON *against* EARL OF SELKIRK and RUGLEN.

No 10.

IN the competition betwixt the Duke of Hamilton, heir of conquest of the deceast Earl of Selkirk, and the Earl of Ruglen heir of line; the LORDS determined the following points, *1mo*, That the heir of conquest succeeds to dispositions and adjudications of land purchased and acquired by the defunct, and which were descendible to his heirs and assignees, although he was never thereupon infest. *2do*, That the heir of conquest has right to all heritable bonds acquired by the defunct whereupon he stood infest at the time of his decease, and were descendible to his heirs and assignees whatsoever. *3tio*, That the heir of conquest has right to heritable bonds conveyed to the defunct, though he was never infest upon the conveyances. *4to*, That the right of succession to bonds secluding executors, and containing no obligation to infest in lands, descends to the heir of line. *5to*, With regard to subjects where the annualrents of heritable bonds were accumulated with the principal sums in personal bonds of corroboration, making the whole payable to the creditor's heirs secluding executors, found that the bonds of corroboration do not alter the right of succession as to the principal sums contained in the original bonds which devolved to the heir of conquest; but, that all the further sums accumulated in the bonds of corroboration descend to the heir of line. *6to*, Several heritable subjects being purchased by the Earl's doers for his behoof, but taken in their own name, and the trust being acknowledged by them, found that the right to the lands and heritable bonds being in the person of Mr Bogle and Mr Hamilton, in trust for the use and behoof of the Earl of Selkirk, the succession devolves to the heir of conquest.

Fol. Dic. v. 1. p. 376.

* * See Kilkerran's report of this case, No 112. p. 5554.

1771. *February 13.*JAMES SHORT, Nephew of the deceased JAMES SHORT, Optician in London,
against THOMAS SHORT, Brother of the deceased JAMES SHORT.

No 11.

JOHN, Alexander, James, and Thomas Shorts were brothers; John died, leaving James his eldest son and several children; Alexander died unmarried, 5th May 1768, without making any will; James died unmarried in June 1768, and left behind funds to a very considerable extent; and in particular, certain heritable bonds over the estate of Montgomery of Broomlands, upon which he had been infest.

James, before his death, had executed a disposition, by which he conveyed these heritable bonds in favour of his immediate elder brother Alexander, his heirs and assignees; reserving, however, power to alter the deed without the

A brother executed a disposition in favour of his immediate elder brother, his heirs and assignees. Both brothers died without issue. The eldest son of a brother elder than either, as heir of conquest,