

HEIR-PORTIONER.

1743. *February 1.* PEADIE *against* PEADIES.

THE eldest heir-portioner is entitled to the principal messuage or mansion-house, office-houses, garden, and orchard, without recompense. (See DICT. No. 10. p. 5367.)

No. 1.

1744. *November 2.* LADY HOUSTON *against* SIR GEORGE DUNBAR.

IF there is a messuage the eldest daughter gets it, and as a consequence thereof the share lying next that messuage; and the other heirs cast lots for their shares; and the division ought to be not according to the extent of the present rent only, but according to the real value of the grounds, quantity and quality considered.

No. 2.

Two feu superiorities being part of an estate descending to three heirs-portioners, the Lords found that the eldest had right to one superiority, and that both were liable to the third in a recompense for her proportion of the feu-duties, but without regard to any casualties. (See DICT. No. 9. p. 5366. and No. 11. p. 5369.)

1744. *November 8.*

CREDITORS of ROSEBERRY *against* LADY MARGARET and DOROTHEA
PRIMROSES.

No. 3.

EARL ROSEBERRY disposed his whole unentailed estate, consisting of lands, houses, heritable bonds with infestments on them, and some without infestments, to his four younger children; but it was all general, and had no procuratory or precept; and it was at first thought of little or no value,