

## TAILZIE.

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### SECT. I.

#### Nature and Effect.

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1667. July 16. SIR JAMES KEITH *against* LUNDIE.

A decret being obtained against Sir James, as charged to enter heir of tailzie to his brother Alexander, *in foro*, for payment of a debt due to Lundy; two exceptions being proponed and admitted, and the term circumduced, he craved to be reponed against the said decret, alleging that the procurator, who pretended to compear for him in the decret, had no warrant, and was sick for the time.

The Lords inclined to repone him as to personal, but not as to real execution; and desired the Reporter to deal with the party to consent.

Clerk, *Hamilton.*

*Dirleton, No. 98. p. 39.*

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No. 1.

1669. January 20.

LAIRD KILBURNY *against* The HEIRS of TAILZIE of KILBURNY, and SCHAW of Greenock.

Umquhile Sir John Crawford of Kilburny, having only two daughters, the eldest married to Blackhall, disposes his estate to Margaret the younger, and to the heirs male of her body; which failing, to the eldest heir-female, without division, throughout all the succession; and failing the issue of this daughter, his eldest daughter and her issue; and failing of these, Jordanhill and Kilburny, their issue; all which failing, his own heirs and assignees whatsoever. In which disposition there is a clause, that the said Margaret, and the heirs of tailzie, should not alter the tailzie, nor dispoene or burden the lands, or contract debts, whereby they might be apprised, and carried from the heirs of tailzie, otherwise the contraveners should loose their right *ipso facto*, and there should be place to the next

No. 2.  
Power to sell  
tailzied land  
for payment  
of the en-  
tailer's debt.