

his aliment. And the question in the Lady Tarsappie's case, *anno* 1662, No 9. p. 5206. was only about satisfaction to her for the apparent heir's aliment, whom she entertained till his death; and it was expressly found, That unuplifted mails and duties did not fall under an apparent heir's executry, but were *in hæreditate jacente*, and belonged to the person served heir to the defunct last vest and seized; Jan. 1683, Ballantyne *contra* Bonnar's relict*; and in Balgony's case, February 1688, No 15, *infra*.

Fol. Dic. v. 1. p. 358. Harcarse, (AIRES GESTIO, &c.) No 60. p. 11.

No 14.

1688. February. BALGONY *against* JAMES HAY.

FOUND that the executors or assignees of apparent heirs dying un-entered, had no right to mails and duties of lands, or to annualrent of heritable bonds, resting unuplifted the time of the apparent heir's decease; though payment made to apparent heirs would exoner tenants: And it was not material here to consider, if the apparent heir's executors would be liable to restore what was consumed of that which he uplifted.

Fol. Dic. v. 1. p. 358. Harcarse, (AIRES GESTIO, &c.) No 71. p. 13.

No 15.

1733. February 28. BLAIR *against* STEWART.

THE privilege competent to apparent heirs by act 1695, to sell the predecessor's estate at a public roup, found competent notwithstanding the pursuer had behaved as heir, and become thereby liable to all the debts of his predecessors. See APPENDIX.

Fol. Dic. v. 1. p. 359.

No 16.

1743. July.

EXECUTORS *qua* nearest of kin to DOUGAL CAMPBELL, *against* ALEXANDER CAMPBELL of Skirven.

ANNO 1728, Dougal Campbell of Skirven, by his bond of tailzie, obliged himself to resign his estate in favour of Archibald Campbell in liferent, and to Dougal the eldest son of Archibald, &c.; which failing, to Alexander Campbell.

Anno 1737, by another bond of tailzie, the said Archibald obliged himself to resign the estate to himself in liferent, and to Dougal his son, &c.; which failing, to the said Alexander Campbell.

After the death of Dougal Campbell elder, and Archibald his son, the estate

No 17.
The rents of an entailed estate fallen due, but unuplifted at the death of a substitute, were found to belong to the executors of his son, who died ap-

* Examine General List of Names.