

H E R E Z E L D.

1470. October 17. JOHN LOGIE *against* ANNA HOWISON.

A NE tak and assedatioun of ony landis beand set and disponit be ony man to his tenant, and his wife, and the langest levar of thame twa; gif it happin the said tenant to deceis befor the ische of the tak, the settar and gevar of the samin may on na wayis persew his said tenants wife or bairnis for ony herezeld, considering that the tak set be him, in manner foirsaid, is not as zit endit or expyrit.

Fol. Dic. v. 1. p. 376. Balfour, (HEREZELD.) No 6. p. 200.

1547. June 16. CUTLER OF SINCLAIR *against* WAUCHOPE.

In ane action of spuilzie movit be John Cutler in ———, *against* Isobella Wauchope, relict *quondam* Jacobi Logan in ———, the LORDS decernit, that the said John Cutler aught na herezeld to her, because his father that died had but four acres or thereby of land of the said Isobel, lying beside ———, and dwelt thereupon, and was not husband; and the laws of this realm require ad hoc quod aliquis solvat herezeldam, quod sit husbandus sedens et moriens super terram alicujus liberi hominis, et quod ad minus tenuerit de eo octavam partem unius davatæ terræ, (four pleuchs of land;) et in casu nostro dicti Joannis pater mortuus, nec sedebat tempore sui decessus super dictam terram, nec tantam tenebat terram; et sic domini decreverunt herezeldam non solvendam, et ideo condemnarunt in spolio dicto, equi ut herezeldæ capti, ipsam Isabellam captricem ejusdem.

Fol. Dic. v. 1. p. 376. Sinclair, MS. p. 77.

No 1.

Herezeld may not be demanded until the ish of the tack.

No 2.

Herezelds are only due when the tenant was residing and died upon the ground, and did possess at least octavam partem unius davatæ terræ. Davata terra is four ploughs of land.