

## PERSONAL AND TRANSMISSIBLE.

## S E C T. I.

## What Rights go to Heirs.

1579. June 23.

LITTLE against LINTOUN.

**M**R CLEMENT LITTLE and Simon Majorbanks and their wives, heritable portioners of the lands called the Common Myre beside Edinburgh, warned and called Francis Lintoun, burges of Edinburgh, to flit and remove from the same. The said Francis *alleged*, he ought not to flit and remove, because the said Simon bound himself in writ to his author, of whom he had right as heir and successor, not to remove, but to let him sit still for the space of 5 years. To this was *answered*, That albeit the promise and bond were made to his author, of whom he had right, it could never be extended to the defender, *quia assedationes, et ea quæ sapiunt naturam assedationum, sunt stricti juris et de praxi non egrediuntur ex personis in iis contentis.* To this was *answered* in the contrair, *quod in obligationibus qui providet sibi providet hæredi,* and so ought to be extended to the heir. THE LORDS found by interlocutor, That this bond could not be farther extended nor to the persons contained in the same, more than a tack's-self, not being made to heirs or assignees, will never be extended to the heirs or assignees.

No 1.

Found that a tack not expressly granted to heirs, was not to be extended to them.

*Fol. Dic. v. 2. p. 73. Colvil, MS. p. 271.*