

## ULTIMUS HÆRES.

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1626. *July 13.* LD. of HALCRO *against* SOMERVEL.

WHEN the issue of a bastard all fail, the King is *ultimus hæres* to the last of them, for there is no collateral or ascendant succession of the bastard. No. 1.

*Durie.*

\* \* This case is No. 6. p. 1348. *voce* BASTARD.

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1686. *January 21.* CREDITORS OF DUNDEE *against* EARL LAUDERDALE.

A donatar of *ultimus hæres*, though liable to the defunct's debts *in valorem* of the subject, is not in the case of an executor, who must fairly account for the subjects confirmed, and cannot defend himself upon singular titles; therefore, a donatar of *ultimus hæres* was allowed to compete with the creditors upon a gift of recognition acquired by him. No. 2.

*Fountainhall.*

\* \* This case is No. 63. p. 6487. *voce* IMPLIED DISCHARGE.

\* \* It is mentioned in this case, that, in a case then decided, Galbreath against Deans, the Lords had found that a donatar of *ultimus hæres* and bastardy could not afterwards purchase a gift of escheat to cut off the bastard's creditors.

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1686. *March.* CREDITORS OF DUNDEE *against* LAUDERDALE.

The Lord Lauderdale having first acquired a gift of *ultimus hæres*, and thereafter a gift of recognition of the lands of Dudope, the creditors craved he might be liable *in quantum lucratus* by the gift of *ultimus hæres*, viz. for the rents uplifted by that title before obtaining of the gift of recognition. No. 3.

16396

ULTIMUS HÆRES.

- No. 3. Answered: The lands being now disposed by ———, in his life-time, the *ultimus hæres* was unprofitable, and the rents fell under the recognition.  
The Lords repelled the answer.

*Harcarse, No. 63. p. 12.*

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- No. 4. 1753. July 31. GOLDIE against TRUSTEES of MURRAY.

A donatar of *ultimus hæres* in right of the King was found entitled to reduce a gratuitous disposition of land, as made upon death-bed.

*Sel. Dec.*

\* \* \* This case is No. 8. p. 3183. *voce* DEATH-BED.

See APPENDIX.