

have been in constant use of exacting an herezeld, nor has ever such exaction been quarrelled to this day.

No 8.

*Replied* for the pursuer; *imo*, That such a clause in the defender's charter can never afford him any title to exact a herezeld from a vassal, whose *reddendo* is his sole rule. *2do*, The constant use of such an oppression rather loads than excuses the defender.

THE LORDS found Tillibole liable in repetition; to which their Lordship adhered, after a reclaiming bill, without answers.

Act. *Abercrombie*.Alt. *Falconer, sen.*Clerk, *Gibson*.

*Fol. Dic. v. 1. p. 353. Bruce, v. 1. No 105. p. 129.*

1733. July. FERGUSON of Auchinblane *against* M'ANDLISH.

No 9.

HEREZELD regulated by custom, and due only by the tenant's heir where such is the use of the barony. See APPENDIX.

*Fol. Dic. v. 1. p. 376.*

See PROOF, *Laws, Customs, &c.*

See APPENDIX.

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