

No. 3. *beneficio* retained the price and whole annualrents, the Lords appointed a factor or sequester, and ordained the price to be paid to him to be employed profitably for behoof of the creditors. *Vide inter eosdem voce* EXECUTOR.

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No. 4. 1742. November 12. MENZIES *against* DICKSON.

AN apparent heir disposing lands to which he had not made up his title, after his death the next heir served heir *cum beneficio* to him in lands wherein he had died infest, but passed by him and served heir to a remoter in the lands disposed by him, and to which he had not made up his title, and pursued reduction of the disposition in so far as it was gratuitous; but it was found, that an heir *cum beneficio*, though the inventory were exhausted, cannot quarrel deeds by his predecessor, to whom he is served heir, though *cum beneficio*. *Vide inter eosdem voce* SUPERIOR AND VASSAL.

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No. 5. 1749. July 12. Sir KENNETH M'KENZIE, *Supplicant*.

AN heir being at such a distance when his predecessor died, that he could not record the inventories of his estate within the year, and the Sheriff's-clerk scrupling to receive them after the year, we authorised them to be recorded, but reserved to all parties having interest to be heard on the effect of such recording.

See NOTES.