

I say of the same kind, because not only heirs of line, but also heirs of conquest who succeed to rights of the Nature aforesaid, heirs male and heirs of provision who succeed to such rights conceived in their favour may be served Generally & in this sort. The honor of the Brief. Yet a general Service is for the most part necessary to all heirs for affording them Access to rights of the Nature aforesaid, fallen to them either by Law or provisione hominis. I say for the most part, because some such rights belong to Apparent heirs without necessity of a General Service in such cases. Residual Spots wood Copyhold Tit. heir and lordship Reversions Contracts or obligations granted to his predecessor. Yet he cannot claim right to Copyhold goods by Virtue of a General Service unless he be specially served heir to his predecessor in some particular lands or other heritable estate.

In order to Infeoff an heir in lands or other heritable right wherein the predecessor died Infeoff he must enter specially. In his entry specially either in the ordinary course of Law, or by the hypochothecary deed. How a Special Entry may be made In such cases, the heir without taking the benefit of an Inventory. When an heir enters by an Inventory, he makes a particular list of all lands tenements messuages or other heritable rights whatsoever to which he may, or pretends to have, and Subscribes the same before witnesses duly Infeoff and designed. This Inventory he must give in upon oath to the Sheriff Clerk of the Shire where the lands and herbage of the deceased lay, or if he had no lands or herbage Requiring Infeoff to the Sheriff of the Shire where he died: Which the Sheriff or the Justices and Clerk of court must also subscribe in due manner and Record in their Registers, and give extracts thereof to the Apparent heir at the ordinary rate of extracts in that court. Which Inventory is to be thus given in Recorded and Extracted before the Service or the heir's Intromission with any part of the estate, and within the Year of Deliberation. Again, the aforesaid Extract of the Inventory, shall within 40 days after Expiring of the said Year, be thereafter presented and Recorded in the books of Assize, in a particular Register appointed for that effect. But if any part of the said estate be without fraud Omittted out of such Inventory, the heir may Aid the same to the Inventory within 40 days after it com-

to his knowledge; if it be not in the mean time affected by the legal Alienation of a freeter. Aid to be made and subscribed, given in and Recorded in the same manner as the principal Inventory, at 24 Sept. 5 Par. R. 412

Persons may enter heirs of line to their predecessors at any time so long as no other person is served: Because the right of blood does not prevail but by a special Act. But the next male heir to a person on whom the Service shall be by Exclusion of the nearest heir with it. To wit, must prosecute his right by Service or other legal mean to affect the Service within the space of two Years after the Mortality is pursued, otherwise it falls to the next Protestant heir; to whom the like space is allowed to prosecute his right but 3 sfs 9 Par. R. 412

## Tit. 1.

## Concerning the special Entry of heirs in the ordinary Course of Law.

A special Entry of an heir in the ordinary course of Law is either to lands and tenements in the country; or to lands and tenements within Burghs.

## Sect. 1.

The Entry of heirs to lands and tenements in the country. A special Entry of heirs to lands and tenements in the country is to be made in a special writ out of the Chancery, in the name of the King, or Lord of the fee, or having Chappell or Rincery, directed to the Justices of the Peace of the county where the lands lie, to enquire by an Inquest if such a person did last die seised in such lands &c. At the year of the service of the writ of the Brief he next next heir to him there in or of whom the fee is taken in Capite, or who is immediately next heir thereto, of what is the manner of holding, & what is the old and new extent of the fee, or what the value of it was in time of peace, and what it is now, of the heir he of lawful age, of whom the fee is now held, from what time, how and by what force, and for what cause & The names of such next heirs follows. *Georgius Secundus &c. Vicecomes et Balivus sicut & fideles homines Mandamus Vobis et precipimus, quatenus per Probos et fideles homines in comitatu D. Lincolnie et fideles in Inquisitionem fieri faciat de quibus terris et redditibus annuis cum pertinentiis quendam A. B. quondam de G. Patris f. D. Latonis Prefectum, obiit ultimo Westm. et fideles ut de feodo et fidei et p. et infra Baltham. Restram et de si dicitur &c. et legitimus et Propinquior hanc et eundem quondam A. B. sui patris de dictis terris et annuis redditibus cum pertinentiis. Et si legitimus et eundem et quatenus valent dicta terra sine per annum, et quantum valeant tempore pacis & de quo legitimus &c. Et in cuius Manibus sine existunt & reddunt & per quem & ob quam causam & Et a quo tempore & Et quod per dictam Inquisitionem legitime factum esse Invenitis sub sigillis Vestrorum et sigillis eorum*