

No 55. by William Home, his father, to himself and the said George, his son, in fee, and the heirs of the longest liver, for nineteen years, the LORDS found, that George was successor to his father by his tack, and obliged therefore to warrant the defender, to whom their father made right to their teinds before the date of the tack.

Kerse, MS. fol. 141.

No 56. 1622. *March 25.* LORD SEMPLE *against* HAY.

AN apparent heir of a nobleman assuming his predecessor's titles is not a behaviour.

Fol. Dic. v. 2. p. 32. Erskine, MS.

* * * Auchinleck reports this case.

1633. *December 21.*—JOHN HAY of Tourlands pursues my Lord Semple as heir to his father, in so far as after his father's decease, he behaved himself as heir, in riding in Parliament and for succeeding to his father's honours; which was repelled, seeing Semple was in fee of the lands before his father's decease, reserving only his father's liferent. This interlocutor was pronounced 20th March 1623, and a bill given in for an extract thereof at Semple's instance 21st December 1633.

Clerk, *Hay.*

Auchinleck, MS. p. 7.

No 57. 1627. *January 24.* GLENKINDIE *against* CRAWFORD.

THE passive title was not sustained upon a person having in a writ designed himself as heir, and professed himself to be heir, not being *in re hæreditaria*.

Fol. Dic. v. 2. p. 23. Durie.

* * * This case is No 25. p. 6869, *voce* INDUCIAE LEGALES.

* * * The same was found 8th July 1628, Dunbar against Leslie, No 15. p. 5392; *voce* HEIRSHIP MOVEABLES.