

PASSIVE TITLE.

1734. *February 6.*

No. 1.

JAMES and WILLIAM HENDERSON *against* SIR ROBERT HENDERSON of
Fordell, their Nephew.

A SON intromitting with his mother's jointure, who lived many years with him, found liable to her executors, not for the fiars prices of the victual only, but for the prices received by him, or if that should not appear, for the current prices of such victual every year; but found him not liable for losses by broken tenants or broken merchants; and found him also liable for kain and coals payable out of the jointure lands.

1736. *February 12.*

LADY RATTER *against* SINCLAIR of RATTER, Her SON.

No. 2.

PASSIVE TITLE of passing by an apparent-heir possessing the estate, whereof the former apparent-heir was more than three years in possession, but not serving heir to a remote predecessor, nor making up his title by adjudication on his own bond, not liable by the act 1695, to the debts of the said former apparent-heir. *Vide* 9th December 1741, Leith against Lord Banff, *infra*. *Vide* 22d November 1748, Creditors of Kinminity against the Heir, *voce* MINOR, where the like judgment was reversed in Parliament, May 11 1749. (See DICT. No. 141. p. 9810.)

* * In this case, Sinclair Lady Ratter against her son, the Lords refused to find the son liable even *in valorem* of his possession or intromissions, but modified to her further in name of aliment L.50 sterling.