1741. *December* 9. LEITH *against* LORD BANFF.

No. 5.

THE like judgment as had been given 8th January and 12th February 1736, Lady Ratter against her son, (No. 2.) was again given. *Sed omninc, vide* MINOR, where the like judgment was reversed in Parliament, May 11th, 1749, Creditors of Kinminity, No. 12. (See DICT. No. 142. p. 9815.)

1741. *February* 11. M'KENZIE *against* BUCHANAN.

No. 6.

ONE who had an adjudication in 1681, afterwards married the debtor's sister, and by the death of the debtor and the sister his wife, his son became apparent-heir, and when he was so the father purchased further rights upon the estate in 1698 and 1699, and possessed upon these rights, and after his death his son also possessed, after whose death another son by a second wife succeeded to his father in these rights so acquired, who was also apparent-heir of the debtor the former proprietor. In a process against him, at the instance of another creditor, the defender was found not to be within the act 1695.

1742. *February* 20. GORDON of Pitlurg *against* GORDON of Tochmany.

No. 7.

THE act 1695 anent the three years possession of apparent-heirs does not secure their gratuitous deeds. *Vide inter eosdem voce* SERVICE AND CONFIRMATION.

1747. *November* 25. ELIAS CATHCART *against* HENDERSON.

No. 8.

A FACTOR appointed by us *loco tutoris* to an infant intromitted with the defunct's effects, being all moveable; and a creditor of the defunct's sued both on the passive titles, and recovered decreet before the inferior Court: But we suspended the decreet *simpliciter*, because no passive title was proven, for it was thought that the creditor should have confirmed: (*reniten.* President *et me.*) (See DICT. No. 68. p. 9724.)