

HEIR APPARENT.

SECT. I. I.

Entitled to continue the Predecessor's Possession.

1627. January 19. LAIRD of ROSLIN *against* FAIRBAIRN.

No 1.

THE LORDS admitted an apparent heir for his interest in a removing, upon the production of his father's sasine, to defend the tenants who were called.

Fol. Dic. v. 1. p. 357. Kerse, MS. fol. 139.

* * Durie reports the same case :

IN a removing at the instance of the L. Roslin against his tenants, a procurator compearing for the apparent heir of George Thorbrand, who was infeft in the lands, and desiring to be admitted for his interest; the LORDS admitted of the said apparent heir, albeit he had no right in his own person, but only produced his father's sasine, which they found gave him interest, as apparent heir, to defend the tenants from removing, albeit he was not called; *quo casu* if he had been called, he as apparent heir might have defended by virtue of his father's right; but not being called, and the pursuer offering also to prove, that the tenants who were called, were his tenants, and had paid him mail and duty for their lands divers years before, so that they could not be the excipient's tenants; therefore he contended, that as apparent heir, he could not be admitted to stay him to remove his own tenants; which was repelled, and the apparent heir admitted for his interest.

Act: *Belshes.*

Alt: *Nicolson.*

Clerk, *Hay.*

Durie, p. 258.