

## DIVISION II.

Lucrative Successor *post contractum debitum*.

## SECT. I.

The disposition must flow from the father.—The disponee must be apparent heir in the subject.—Effect of the disponee dying before his father.—Disposition in trust for behoof of the apparent heir.—What must be the nature of the subject disposed to infer the passive title?—Acceptance of the disposition sufficient.—Bonds disposed to the heir will be presumed to have been heritable, in order to infer the passive title.

PORTERFIELD *against* KER.

No 100.

IN an action pursued by William Porterfield of that ilk, as son and heir to Mr John Porterfield of that ilk, *contra* Daniel Ker of Casland, as son and heir to Thomas Crawford of Jordan, and Janet Ker, his spouse; the LORDS found the said Daniel Ker successor to his father, in respect he was infest by his father *post contractum debitum* in the lands of Newmains of Inchipan. THE LORDS would not burden the pursuer to prove that his father was infest.

*Kerse, MS, fol. 141.*

1619. July 25. or 26. LORD OGILVY *against* KINFARNS.

No 101.

FOUND, That the oye receiving infestment from the goodsire *vivo patre*, cannot be convened *tanquam universalis successor*.

*Kerse, MS. fol. 142.*

## 1619. July 30.

A. *against* B.

No 102.

THAT successor *titulo lucrativo* cannot be qualified relevantly by reservation of a reversion by the father to the son, against which no order of redemption followed, the reversion being only *ad vitam*, and with advice of friends.

*Kerse, MS. fol. 142.*