

[He said a great deal more ; but his voice is so low that no one could hear his argument.]

On the 23th June 1774, " The Lords preferred the heir of conquest."

Act. W. Baillie. *Alt.* R. M'Queen.

Reporter, Coalston.

1774. *June 28.* JOSEPH CAVE and his ATTORNEY *against* The GOVERNORS of the MERCHANT MAIDEN HOSPITAL of Edinburgh.

HEIR APPARENT.

The Heir Apparent of a person originally vested with a right of presentation to an hospital, by the deed of a third party, was found entitled, without a service, to present upon a vacancy.

[*Faculty Collection, VI. 318 ; Dict. 5290.*]

PITFOUR. This right of presentation may be assimilated to a title of honour, which infers no passive title.

COALSTON. I should have some doubt whether a service, in this case, would not imply a passive title ; but I do not think a service necessary. When Mr Cave gives a presentation, he does it *suo periculo*.

N.B.—In this case, there was a material circumstance which escaped the parties. A right of presentation is given when a donation amounts to L.2400, or 3600 merks : *Here* the donation was only 2000, and consequently Cave had no pretence for presenting.]

Act. Ilay Campbell. *Alt.* J. M'Laurin.

Reporter, Gardenston.

1774. *March 1.* PATRICK HERON of Heron, Esq. *against* DOCTOR ANDREW HERON.

INHIBITION—APPEAL.

After appeal taken from judgments of this Court, and served *hinc inde*, it is competent to the pursuer to use an Inhibition against the defender as on a dependance.

[*Faculty Collection, VI. p. 320 ; Dictionary, 7007.*]

HAILES. The order of the House of Lords, 1709, respects not inhibitions ; so, by authorising such letters, we offend not against that order. The House