

their right is legally put an end to; whereas the representatives of a liferent tenant never have any right to enter into possession. They can derive it only through the tenant, whose right is declared to terminate with his life. They may therefore be summarily ejected as vitious possessors. In the same way, if a liferent tenant was permitted to subset any part of his farm, as the subtenant has a valid title of possession, he cannot be ejected summarily on the death of the tenant, through whom he derives right, but must be duly warned, as if the tenant's right did not determine at his death. The Court had formerly decided the similar case of Udney of Udney against Brown, 1st December 1802, (not reported, see APPENDIX), on these principles; and they therefore refused the petition without answers.

No. 67.

Lord Ordinary, *Polkemmet.**Act. Cathcart, George Jos. Bell.*Agent, *R. Strachan. W. S.*

F.

*Fac. Coll. No. 171. p. 261.*

## SECT. IV.

## In what Cases good against Singular Successors?

1553. July 13. LAIRD of B. *against* A POOR BOY.

Whoever has paid grassum to his Laird for certain years, five or three, long or short, conform to the use of the lands, where the grassum is paid, in case the man die before the ish of the tacks permitted for the grassum, his bairns shall bruik the rest of the years that are to run, albeit there be no tacks in write, as was practised betwixt the L. of B. and ane poor boy.

No. 68.

*Maitland MS. L. Hailes's Copy, fol. 44.*1602. January 5. LAIRD of DRUM *against* JAMIESON.

The Laird of Drum, as heritable proprietor of certain lands of the living of Fodderat, warned one Jamieson, occupier thereof, to remove. It was excepted, that the defender had tack of the said lands of one George Gordon, who had a nineteen years tack of the said lands set to him by the Laird of Fodderat, author to the pursuer, being before the pursuer's right; likeas, the said Gordon had another nineteen years tack to begin after the expiring of the first, and a third nineteen years tack to begin at the issue of the former; and all the said tacks were set

No. 69.

A party obtained a tack of teinds, and a second to commence at the expiry of the first, and a third to begin at the