

No 53.

any possession but such as he had the time of his forfeiture, and that the tenant of the ground ought to be warned before he be put from his real possession of the same.

Fol. Dic. v. 2. p. 355. Colvill, MS. p. 396.

1586. July.

MUDIE against TENANTS.

No 54.

MR GEORGE MUDIE warned certain tenants to flit and remove. It was objected against the warning, That it was not made according to the act of Parliament, in so far as the said tenants were not warned at the ground of the lands, because the words of the act are, 'personally, or at their dwelling-places, and at the ground of the lands, et sic hæc posterior particula at the ground of the lands,' copulative ponitur. THE LORDS found the warning not good, by reason it bore not warning at the ground of the lands.

Fol. Dic. v. 2. p. 337. Colvil, MS. p. 409.

* * * See a similar case, No 68, p. 13829. where the *ratio dubitandi* was, the tenant had been personally warned; and it was *pleaded*, That the act is alternative, either personally or at their dwelling-place, and at the ground of the lands, which two last make but one member, and are only to be used in case the tenant be not personally warned; but it was *answered*, The leaving a copy on a forked stick thrust in the ground, as use is, was separately required and useful, for thereby the sub-tenants, who need not be warned personally, were acquainted to remove with their masters.

1610. December 18. LAIRD of PRESTON against The LAIRD of COCKPEN.

No 55.

A COALHEUGH set in tack for diverse years to a liferenter for payment of a weekly quantity of coals and panwood, if the liferenter decease before the years be expired, the fiar may remove the tacksman upon a simple charge of six days to desist and cease, or shew a reasonable cause why, and will not be put to make warning at any ordinary term of Whitsunday or Martinmas.

Haddington, MS. No 2057.