

law was liferenter, with his own goods and gear, as he alleged; after the liferenter's decease, he is pursued by the heritor to remove. He alleges he cannot be holden to remove till he were lawfully warned, seeing he laboured the lands with his own goods and gear.—THE LORDS found no necessity to warn him, except he condescended that he was tenant for payment of a duty; but ordained him to remove at Whitsunday, and to find caution for that effect, and to pay as much duty for the crop 1628, as the land libelled paid before, when it was set, or as much land pays beside.

No 17.

Auchinleck, MS. p. 120.

1633. December 21. WEMYSS against STUART.

A DECLARATOR of property is competent at the instance of a liferenter, by reservation, though the fiar be debarred from having *personam standi in judicio* by a horning.

No 18.

Fol. Dic. v. 1. p. 549. Durie.

* * * This case is No 44. p. 2197. *voce* CITATION.

1663. January 17. The EARL of CALLENDER against RUSSEL.

IN a process pursued by the Earl of Callender against Thomas Russel, it was found, That a vassal's son being infeft, holding of the superior, reserving the father's liferent, the son is not obliged to keep the superior's head courts, during the father's lifetime.

No 19.

Fol. Dic. v. 1. p. 549. Gilmour, No 65. p. 48.

1683. March. CREDITORS of MOUSWELL against The CHILDREN.

FOUND, That *sylva cædua*, or hewing woods, were not the property of a father who had disposed the fee of his lands to his son, reserving his liferent, and that he, the father, had only liberty to cut so much as was needful for the repairing of the houses, and could not dispose upon, or sell any part, unless the wood was used formerly to be cut in yearly hags.

No 20.

Fol. Dic. v. 1. p. 549. Harcarse, (LIFERENTS.) No. 670. p. 190.