

yet observing that their predecessors had gone a step farther, and, in a case similar to the present, (see Kilkerran, p. 479, *Lundie, petitioner*,) had complied with the demand, without caution or an obligation to return, they pronounced the following interlocutor :—“ Grant warrant and ordain the Clerks of Session, their deputes, and substitutes, to deliver the principal bond to the petitioners, or either of them, on a receipt to be granted by the receiver, and ordain it to be marked on the margin of the record that the said bond was, of such a date, delivered up for the purpose mentioned in the petition, and that it was so done by warrant of the Lords.”

REMOVING.

1770. MACNAB of INCHEWEN *against* The COMMISSIONERS of the ANNEXED ESTATES.

A TENANT had entered to the houses and grass of his farm at Beltan, and, at the separation of the crop, to the lands. He was pursued, forty days before Whitsunday 1769, to remove, at Whitsunday that year, from the houses and grass; and, at the separation of the crop, from the arable lands. This was objected to, as the term of entry, and consequently of removal from the houses and grass, was Beltan, *viz.* the 1st of May, not Whitsunday. And it was maintained, that a warning or process forty days preceding Whitsunday 1769, could only be effectual to remove the tenant, at soonest, from the houses and grass at Beltan 1770, and from the arable lands at the separation of the crop said year. And so the Lords found.

1765. *February* 14. MACNAUGHTON *against* WILSON.

A CASE is observed by Kilkerran, p. 480, where the entry to a part of a subject was at Candlemas, and to another part of it at Whitsunday. And it was found, that a warning, forty days before the Whitsunday preceding the first of these terms, was necessary, in order to remove the tenant from one part of the subject at Candlemas, and at Whitsunday from the other. A like decision, in a case precisely similar, was pronounced, 14th February 1765, Macnaughton *against* Wilson, 4 *New Coll.*, p. 14.