

No. 39.
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marriage, which failing, to the husband's heirs whatsoever; and his Lordship binds himself and his heirs, to warrant them and their foresaids; for ever, as kindly tenants of the said husband-land, they paying of rent, six bolls bear, two bolls family-meal, &c. with 40 merks at the entry of every heir.

In a removing of the heir of the said James Waugh by Kerr of Moriestoun, purchaser of the lands of Ligertwood, which was brought before the Court of Session by advocacy, the Lords found, That a perpetual rental is not good against a purchaser, more than a perpetual tack.

Fol. Dic. v. 4. p. 321. Sel. Dec. No. 8. p. 11.

No. 40.

1781. July 4. MACKENZIE *against* GULLEN and Others.

Mr. Mackenzie, purchaser of the Winton estate from the York-buildings Company, at a judicial sale, brought an action of removing against the inhabitants of the village of Seton, many of whom, with their predecessors, had held their possessions for ages, for a trifling duty. The defenders allowed they had no feudal titles, but pleaded, That holding their possessions beyond all record, they were to be considered as actual proprietors; consequently, their subjects did not fall under the Earl of Winton's forfeiture, and therefore never belonged to the York-buildings Company, nor formed any part of the lands purchased by the pursuer. Answered, The defenders were no more than ordinary rentallers, and removeable at the pleasure of the proprietor. The Lords decerned in the removing.

Fol. Dic. v. 4. p. 322. Fac. Coll.

* * * This case is No. 118. p. 10310 *voce* PERSONAL AND REAL.

No. 41.

1795. February 4. IRVING and JOPP *against* COLLINS.

The Lords found, That the rentallers of Lochmaben may transmit their rights to others by infeftment.

Fol. Dic. v. 4. p. 321. Fac. Coll.

* * * This case is No. 119. p. 10316. *voce* PERSONAL AND REAL.