

# R E M O V I N G.

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## S E C T. I.

### Who entitled to purfue a Removing.

1542. *June 13.*      SANDILANDS *against* CARMICHAEL.

**I**N a cause, moved by amicable way, before the Lords, by John Sandilands against Gavin Carmichael, anent all things that any of the said parties had to lay against other, the said John *alleged* he was violently put forth by the said Gavin, of his mailing of —. The said Gavin *alleged*, That he was orderly removed therefrom, by the said Gavin's precept, who was tacksman of the lands to the Master of Eglinton and his Lady, and he was in possession thereof, and the said John paid him the mails thereof for certain years bypast. **THE LORDS** decerned, that because the said Gavin was principal tacksman of these lands, and in possession thereof, that he might warn, remove, and eject orderly, as use is, the said John, his sub-tenant; albeit a tenant or tacksman may not do the same, till he get interest or possession of his mailing and tacks; and so the said Gavin was assoilzied from the alleged violent and wrongous ejection of the said John, forth of his mailing foresaid.

*Fol. Dis. v. 2. p. 335. Sinclair, MS. p. 32.*

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1582. *January.*      Laird of WEDDERBURN *against* Laird of BLACKADDER.

**THE** Laird of Wedderburn warned the Laird of Blackadder to flit and remove from the lands called the Hilton. It was *alleged* by Blackadder, That he ought not to flit and remove, because his predecessor's lands of Blackadder, to whom he was lineal heir, and he himself also was and has been in possession, by virtue of the same, by the space of three or four score year. This exception being admitted to probation, and referred to say *contra producenda*, the Laird of Blackadder produced an instrument of sasine, making mention, how one Andrew Blackadder of that ilk his predecessor was seised in the

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**No 1.**

A principal tenant may remove his sub-tenant by his own precept.

**No 2.**

Effect of possession to bar removing.