

is often the case; must this also go to the heirs of line, and not to the heir succeeding to the estate, contrary to the plain meaning of the original transaction? No. 176.

The Court adhered to the former interlocutor.

Lord Ordinary, *Armadale*.

For Landlord, *Hay, Jo. Clerk, Campbell, junior*.

Agent, *James Gray*.

For Tenant, *Solicitor-General Blair, Cay, Reddie*.

Agent, *Ro. Jamieson, junior, W. S.*

Clerk, *Colquhoun*.

F.

*Fac. Coll. No. 95. p. 208.*

\* \* \* On the same day, in consequence of the specialties of the case, the Court gave an opposite judgment, in Darroch against Rennie, by finding the second son entitled to continue in possession of the farm, as he had already continued in quiet and unchallenged possession, having paid the rent for sixteen years to the landlord, who did not find any fault with this change of the heir.

\* \* \* The case of Cunningham against Grieve having been appealed, was by the House of Lords remitted back to the Court of Session to be re-considered. This Court have continued to adhere to their original judgment; but new occurrences have taken place in the cause, which are still (December 1806) in dependence. See APPENDIX.

\* \* \* See 5th February, 1667, Traquair against Howatson, No. 6. p. 10024. *voce* PAYMENT BEFORE-HAND.

\* \* \* December 5, 1806.—The Court this day heard the report of a Lord Ordinary of a case between the Earl of Cassillis and M. Adam, in which the opinion given by a majority was, That a tenant having a lease for 21 years was not entitled to sublet without the consent of his landlord. See APPENDIX.

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## SECT. XI.

In what Cases must the Tenant find Caution for the Rent?

1594. June 22. LAIRD OF KINNABER *against* RANYE.

No. 177.

The Laird of Kinnaber obtained decret against Ranye to find him caution for payment of the duty of a tack of two mills set by him to the said Ranye, albeit there was no provision of caution in the tack, because the said Ranye was owing to him two years' duties, *et vergebat ad inopiam*.

*Fol. Dic. v. 2. p. 425. Haddington MS. No. 420.*