

Upon advising a reclaiming petition, with answers, the Lords, upon the general ground, unanimously "adhered."

No 90.

Lord Ordinary, *Aukerville.* Act. *Honyman.* Alt. *Maconochie.* Clerk, *Pringle.*
D. D. *Fol. Dic. v. 4. p. 223. Fac. Col. No 146. p. 335.*

1796. June 24.

GEORGE STEWART *against* The REPRESENTATIVES of Patrick Grimmond.

IN 1740, Patrick Grimmond entered into possession of the mill and mill-lands of Airtully, on a liferent lease. He died 19th April 1796, and on the 25th of that month, Mr Stewart the landlord presented a petition to the Sheriff of Perthshire, praying, That his Representatives might be removed summarily from the possession.

No 91.
The heirs of a tenant for life may be removed summarily between terms. See No 90. p. 13857.

The Sheriff-substitute pronounced the following interlocutor: "Finds it alleged by the pursuers, and not denied by the defender, that Patrick Grimmond, the liferent tacksman of the farm in question, died upon Tuesday the 19th April last: Finds, That in so far as the grounds were sown at the death of the liferenter, the defenders will be entitled to reap the crop thereof, on paying a proportion of the whole rents effecting thereto; but finds, that they have no right nor title to sow or reap any other part of the farm, nor to use the grass thereon, whether sown or natural; and decerns summary removing against them, with the explanation foresaid; and with this further explanation, that in so far as the defunct has laboured ground not sown at the time of his death, or the defenders since that period have laboured such ground, the pursuer must pay a *bona fide* price for such labour; and further decerns the defender to pay to the pursuers £20 Scots of damages and expenses in case they fail to remove; but supersedes extract till to-morrow at 11 o'clock forenoon"

A bill of advocation, presented by Grimmond's Representatives against this judgment having been refused, they presented a reclaiming petition, containing an argument in law, substantially the same with that which was maintained by Mickie's Representatives, in the question between them and Baron Gordon, No 90. p. 13851.

THE COURT considering it as fixed by that decision, That the Representatives of a liferent lessee may be removed summarily, unanimously "refused the petition," without answers.

Lord Ordinary, *Swinton.* For the Petitioners, *Hagart.* Clerk, *Colquhoun.*
R. D. *Fac. Col. No 225. p. 525.*