

found the exception relevant to purge the ejection, not only for the re-possession to the lands, but also for eliding of the violent profits of all the years, from the warning made to the said Richard Storie.

No 8.

*Kerse, MS. fol. 191.*

1615. February 7. M'CULLOCH against ———.

No 9.

IN an action pursued by David M'Culloch, donatar to the liferent of Samuel Blackburn, for removing from certain tenements of land, the LORDS found no process, while the rebel's sasines were produced, and found that he ought to call for the same to be exhibited, and then to pursue.

*Kerse, MS. fol. 239.*

1621. December 14. L. FALDOWNSIDE against L. BENNERSIDE.

No 10.

FALDOWNSIDE having comprised L. Bennerside's lands, pursues a removing against him, upon his sasine following thereupon, who compeared, and *alleged*, That the pursuer had passed from that comprising, in so far as for the same sums for the which that comprising was deduced, whereupon the pursuit was founded, and for other sums joined thereto, the pursuer had *de novo* comprised the same lands, and taken sasine thereupon, whereby the first comprising was, in effect, passed from and ceased. THE LORDS repelled that allegiance, and found, that, notwithstanding of the last comprising, which comprehended also the sums of the first comprising, the first was not taken away, but that the pursuer might use the same, and pursue thereupon.

Act. Balbes.

Alt. Stuart.

Clerk, Gibson.

*Durie, p. 6.*

1624. November 19. L. LAGG against His TENANTS.

IN an action betwixt the L. of Lagg and his Tenants, the LORDS sustained a removing, pursued at Lagg's instance, for removing from lands, upon a sasine given to him of the superiority only of these lands, which sasine of the naked superiority they found to be a sufficient title to the pursuer for producing removing thereupon at his instance, from the property of the same lands, against any one who could not allege an heritable right of property, or some other right, whereby they might maintain themselves in the possession of the said lands; and which the LORDS found, albeit the defenders *alleged*, That there was

No 11.

A right to the superiority alone found to be a sufficient title to remove from the possession of land persons exhibiting no right to possess.