

but said that these instructions and that decision were not law now, but told us not how the law was altered. We also unanimously found them competent to tutorial and curatorial inventories, in which I agreed, because *datio curatorum* was expressly part of the first commission.

REMOVING.

No. 1. 1735, Feb. 13. STIRLING of Keir *against* M'QUEEN.

THE Lords decerned in the removing superseding extract till the 1st of March, and if the tenant before that time find caution for bygones, and also to labour and sow the ground of this crop, then stopped extract *simpliciter*; but continued the tenant in possession of the houses except those necessary for the labouring cattle till Whitsunday.

* * (The similar case of Alexander of Newton in July 1744 referred to here does not appear in the manuscript notes.)

No. 3. 1738, Dec. 1. GRANGER *against* HAMILTON.

A pretty new question was determined upon the import of the act of Parliament anent warning tenants, which requires the removing to be any time within the year 40 days before Whitsunday, Whether these words "within the year" refers to the term of the warning, or the conventional term of removing? 2dly, Whether these words mean within that year of God or within 12 months? The case was, that the conventional terms were Martinmas and Beltan, or first of May, and the warning was used in October of the year preceeding that Martinmas. I thought at first that it behoved to be within a year or 12 months of the conventional term, but it was observed that this might be impossible where the conventional term was at Beltan or any other day within 40 days before Whitsunday. However Arniston continued still of that mind, but that stumbled me. The President thought that "within the year" meant within that year of God in which the Whitsunday was. However upon the vote it carried by a great majority to sustain the warning.

No. 4. 1739, July 1. PRINGLE *against* THE EARL OF HOME.

See Note of No. 1, *voce* EJECTION.

No. 6. 1740, Feb. 28. FACTOR ON THE ESTATE OF CARDROSS *against*
D. WIGHT.

THE Lords found that the warning should have been in terms of the act of Parliament, and therefore sustained the objection.