the Lords found that he had power to remove tenants even possessing upon tacks set by the former proprietor; 11 *New Coll.*, 41. They were of the same opinion, Carlyle, Factor on the Estate of Kilhead, *against* Lowther. In this case it was allowed that the Court could authorise a factor to remove tenants; but it was contended that it required a special power and instruction from the Court,—and did not fall under the expression "usual powers."

1777. *August* . SHINAS *against* FORDYCE.

IN passing a bill of suspension of a decreet of removing by the Bailies of Banff at the instance of Shinas, treasurer to the Incorporation of Shoemakers in that Town, against Fordyce, it was pleaded that, *qua* boxmaster, Shinas had no title to pursue a removing. ANSWERED,—He had a verbal order from the incorporation to do it; and a verbal order was sufficient. Further, *cum processu*, he produced a written order. REPLIED,—This last was of no avail: an authority, *ex post facto*, to raise a process of removing, is not sufficient; the authority must be antecedent. Admitted,—but in this case the written authority was only corroborative of the verbal. OBJECTED further,—The defender had got no copy of the summons at citation, which is a form absolutely necessary—he only got what is called a short copy, and which even takes place in the Sheriff-courts, except in causes below thirty shillings value. ANSWERED,—He was cited in common form, as practised in this burgh, and it is believed in most other burghs of Scotland. In burghs even verbal citations are held sufficient; here there was one in writing, which also mentioned the nature of the process, *viz.* that it was a removing. Besides, the cause was called in Court, and the libel given out to see more than forty days preceding the term of Whitsunday, the term of removal. Lord Gardenston refused the bill, 4th July 1777, and the Lords adhered.

1777. *July* . EARL of ABERCORN *against* BROWN.

A LIKE objection as to the citation, that there was no copy left but only a short one, which did not even tell the nature of the action, was proponed in a suspension of a removing obtained before the Sheriff of Edinburgh, Earl of Abercorn *against* Brown. But upon an averment as to the practice before that Court, in removings, the objection was repelled. In this case also the *inducia* given were only three days. But it was averred that, in practice, twenty-four hours were sufficient.