

1664. July 19. HOSPITAL of Glasgow *against* ROBERT CAMPBELL.

THE Hospital of Glasgow having apprised the lands of Silvercraig, they thereupon obtained decret, which being suspended, compearance is made for Robert Campbell in Glasgow, who *alleged*, that he has apprised the estate of Lamont from the Laird of Lamont; and that the lands of Silvercraig are a part and pertinent of the lands apprised by him, whereby he stands in the right of the superior, and offers to prove, that the lands in question are ward, and that the apparent heir from whom the hospital hath apprised, is yet minor, and therefore, the hospital coming in his place, can be in no better case than the minor, but the course of the ward must run during the apparent heir's minority. The charger *answered*, that the course of the ward cannot now run, because the lands are full by the infestment of the appriser, who stands infest, being received by a prior appriser of the superiority, without any exception or reservation of the ward duties. It was *answered*, for Robert Campbell, that George Campbell's apprising of the superiority was extinct by satisfaction of the mails and duties before he received the hospital, and so there is now place to the second appriser, neither can the filling of the fee by the appriser stop the course of the ward, which began before the apprising, albeit the appriser be infest simply; seeing all infestments on apprisings are in obedience, which never imports a passing from any right of the superiors, albeit he do not reserve the same; and therefore, he may make use of any right in his person, not only as to the casualties of the superiority, but as to the property, and his receiving in obedience, is only to give the appriser anteriority of diligence.

Which the LORDS found relevant.

Fol. Dic. v. I. p. 431. Stair, v. I. p. 416.

S E C T. IV.

Removing, how past from.

1549. June 3. LAIRD OF BLAIRQUHAN *against* DUNCAN CRAWFURD.

GIF ony man makis warning to ane uther, to flit and remove fra ony landis or possessioun, and, efter the making of the samin, takis and ressavis fra him ony maillis of the samin landis, of ony termis then bypast, and exoneris and dischargis him thairof, he may not persew him to remove fra the saidis landis be resoun of the foirsaid warning: And gif he quha is warnit removis not,

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No 15.

A superior by receiving an appriser, was found not to derogate from his right of ward.

No 16.

He who receives the mails after warning, may not remove the tenants.