

by the long prescription of 40 years,
 or Churchmen, *M^onzie Observ. Act. 6. Par. ii. 5. 6.* Because these
 being conversant mostly about divine Matters, are supposed to be ignorant
 and careless of their Rights which die with themselves and go not to heirs
 and may frequently be lost between Hands in the Change of Intrants. Yea
 in Regard the popish Clergy at the Reformation turning desperate, did
 either send abroad the Rights of their Benefices, or suppress and destroy
 them; partly out of Malice to the Orthodox Clergy, and partly to gratifie
 interested Laymen: it was resolved by an Act of Parliament (16 Decemb.
 1612) that 10 Years Possession before the Reformation, or 30 thereafter,
 should be a sufficient Right to Churchmen, or to the King coming in their
 Place by the Act of Annexation 1587. So Lands were inferiour to be
 Church Lands from 30 Years Possession by Churchmen of a certain
 Duty forth thereof: altho the mother had been immemorial Possessor of
 that Land as part and Pertinent of his own Barony, and instructed by
 Devotion produced, that some one of his predecessors had expressly waded
 the same 5 July 1626 L. Horse contra Revo.

Possession may be defended against those from whom it flowed not upon
 any Right in the Possessor or his Author, but can be ascribed only to that
 Title by which it did begin, in Prejudice of him it was acquired from,
 and to whom it must be restored *Stair Jurd. Tit. 1. 5. 27.* In which case the
 Possessor cannot change the cause of his possession. He who happens to
 have a Thing in his Custody which he has no Right to possess as Master,
 cannot change his Condition and make to himself another Title of pos-
 session to the Prejudice of the Right of another Person. Thus, for instance,
 he who is in Possession of a ground as Farmer, cannot make himself
 Proprietor thereof by a feigned Purchase thereof from another Person
 than the Master to whom he is Farmer. For this new Title would not
 change the Quality of his Possession, and would not give him the Right
 to possess as Master, nor to prescribe against him of whom he held the Farm.
L. 3. 19. ff. de acquir. vel amit. poss. l. 5. C. de acquir. & retin. poss. l. 2. §. 1.
ff. pro herede. For in all Trials of Rights, if a Man having a good Title,
 will claim by a bad one, which in the Trial fails, he shall not desert his bad
 Title, and resort to his good one, because that is not the Right claimed (*Crug*
Feud. Lib. 2. Tit. 9. §. iii. Thus one having a Wadset of another, cannot by
 acquiring a better Right, refuse to renounce the wadset Lands upon Re-
 demption *Spotswood Bratt. Tit. dominium.* A Person having adjudged Lands
 in Implement of a Minute of Sale, entered into with the Heritor who had
 been Year and Day at the Horn, and having thereafter for further Security
 taken and declared a gift of the Seller's Escheat affected with a Back Bond to
 the Exchequer in Favour of the Creditors, his Possession was ascribed to
 the Minute of Sale, and he found accountable to the Creditors, not for the
 Rent

Rent of the Lands till the Rebels Death, conform to his Back Bond,
 but for the Annulment of the Price conform to the Minute, after Allowance
 and Deduction to him for Expence of the gift, and whole Prestations con-
 tained in the Back Bond; altho the Mails and Dutys during the Seller's Life-
 time fell under his Lifesent Escheat 8 July 1700 L. Alexander Kay
 contra Creditors of Spot. Because 1^o *quis questum* to the Creditors by the
 Minute, could not be extinguished or restricted without their Consent. 2^o
 The Property of Lands being stated in the Purchaser's Deed, by
 a sovereign Right as the adjudication implementing the Minute, his
 after purchasing the gift of Escheat, an accession Right in further Se-
 curity, could never invest his Title of Possession. Nor could he possess
 thereby, more than the ^{Purchaser} at a Group can possess by the Creditors
 Rights and Diligences he is bound to acquire, while his Title of Sale
 continues unquestioned. But after the original Title by which one's
 Possession did begin is extinguished, or the Possessor divested thereof, or
 after he had once quitted the Possession, he may compete upon, or
 recover it by Virtue of any other Title *L. 19. §. 1. ff. de acquir. vel amit.*
 poss. 4 January 1712 Murray contra Murray. And where the original
 Title is of no Effect or Advantage to the Possessor, to maintain him in a
 petitory or possessory judgment, nothing ~~can~~ ^{shall in the Law of England is called a Remitter, L. 10. §. 1. ff. de acquir. vel amit. poss.} hinders him to cloath him-
 self with and possess by other Titles. Therefore one who entered to the pos-
 session of Lands by Virtue of Rights that were afterwards reduced, and
 then acquired the Reducer's Right, continuing Possession thereafter, was
 not allowed to ascribe his Possession to the reduced Rights, but only to the
 Reducer's Right 24 January 1660 Lady Wolmet and her Husband
 contra Biggar and Todrig. Another who entered to the possession of
 Lands by an Abignation of the Mails and Dutys thereof granted by a se-
 cond Son as Heir to his Father, while the eldest was thought to be dead,
 was allowed afterwards to possess by Virtue of an Apprising against the
 eldest Son, as charged to enter Heir to the Father after he came home,
 seeing the Right from the second Brother was *ipso jure nulli* 11 January
 1673 Lamb contra Anderson. Possession of Land attained without Process
 by one having in his Person both a Wadset and Apprising thereof, is ascribable
 to the apprising, that it as being *ius nobilitatis et ducior. sors.* might be satis-
 fied by Intromission *Stair Lib. 2. Tit. 27.* Yea one having at his Entry to the
 possession of Tithe two acquired Apprisings of these Tithe, and a Disposition of
 them in Security of a Sum in his Person, and the said Apprisings having after-
 wards been opened because of Informality and turned to Securities for the
 true