

possession seven Years Plain lib. A Feb. 22 55 lib. 2 Feb. 1824
 whether of lands 1 Decemb. 1678 Hammond contra Scot. Or rather
 1681 Robertson contra Scott lib. 13 July 1696 Bishop contra Brown 19 July 1664 Douglas contra L. Widdowburn 11
 Decemb. 1673 Rume contra E. Murr 23 January 1675 L. Laine
contra E. Fredeale are sufficient titles of a possessory judgement
 without necessity to allege that the latter was sufficient: For
 said it might seem hard that a tenants possession by his
 seven Years should be better than a possessory judgement, if
 the latter had right or not; being a tenant doth not improve
 self, but doth not Hammond Actions, and he should be in no bet-
 ter than Ed. Master, who not with standing his possession
 could not plead the benefit of a possessory judgement with a
 founding his claim upon term right; yet a possessory judg-
 ment is his title in favour of a tenant, so as he cannot
 put to pay more than his term duty, but the land is the same
 for the same reason that he sees possession upon sufficient
 the flowing from him was his claim of right, that an
 tenants simple possession of the tithes without a title, is
 not payment of tithes for seven Years, doth not form
 a possessory judgement, more than such a possession for seven
 years before prescription. because it is plain in that case
 tithes belong to some body else, being due out of all lands
 privileged by exemption from payments: and the propriety
 of the land could not bona fide possess the tithes without
 a title. And thus I take to be the good sense meaning
 Cl. A Feb. 1752 he says that a possessory judgement is
 competent in Actions for tithes, because the rights thereof
 are tithes. Where an heir or his obtained a decretal
 of the tithes of his lands, in a competition for the same
 behalf his pretending right to it is a tithes, a posses-
 sory judgement has found not competent to one of them upon
 his having been seven Years in possession by virtue of a
 adjudication; not only because an adjudication takes the
 right as it was in the debtors person, but because by the
 late possession and property was confounded, and the very
 subject innovated, the price being substituted in place
 of the property, which the interests of both pretend-
 ing brought into the field by the creditor, may be taken
 up by the person having best right 16 Feb. 1703 Ed. Ham
contra Scot of Bowhill, a Decree of appraising without suffi-
 cientment or charge against the Superior cannot found a pos-
 sessory judgement 6 Feb. 1688 Johnston contra Ed. King

A possessory judgement is competent against Macnair 18 July
 1668 Wintoun contra Gordon. In this case it does not, as the long
 prescription in which Macnair by his exception, Exchange the right,
 but only regulate the form of process and determine the fruits in the
 Meantime. But a possessory judgement is not competent to one
 appraiser against another within year and day, unless such come
 before process as if note. For on process may not be left until
 17 July 1678 Down contra Johnston. A possessory judgement cannot be
 objected against the King, who had no Macnair 18 July
 for jurisdiction by the request of his grant; nor against his High-
 ness the Duke of Cambridge unless the grant be made by the
 King. but it may be against a grant made by the King or his
 Years possession in the right of a grant 1711 Ed. King contra
Lady Keaslehead.

A possessory judgement will not stand against a baron
Plain lib. 1 Feb. 1782. 32. but a possessory judgement upon sufficient
 ment will bind those possession in Johnston, and not Ed. King
 to bind the tithes in a term right, the abstracted land: in
 respect the tithes were for tithes, and that express quality,
 till the land for a term right, and the tithes were such as
 1711 6 July 1705 Ham contra Ed. King & Ed. King

The pointing of a possessory judgement takes place only in
 a competition about the right of a property, which an Macnair
 obligate is not competent at the instance of a proprietor against
 a pointing of the same property, as in Ed. King 26 June 1682 Ed. King
contra Ed. King. 7 Feb. 1687 Ed. King contra Ed. King 17
 January 1683 Ed. King contra Ed. King 16. foundation of
Ed. King 1683. Nor can he be appointed in the foundation of
 a possessory judgement against a right of property 4 Feb. 1667
Ed. King contra Ed. King 17 Feb. 1678 Ed. King contra Ed. King for
 breach of a prior annualment 7 January 1663 Ed. King contra Ed. King
Ed. King contra Ed. King 1683 Ed. King contra Ed. King
 are tithes of another Nature, and tithes land with possession
 of the property. A Possessory judgement is never enjoyed by
 any person to the prejudice of such that person had exposed
 to or consented to a Disposition in their favour, or which
 supplied an obligation to put them in possession and hinder
 such a Disposition or Consent to possess bona fide Ed. King
 his own use or Consent 9 November 1668 Ed. King contra
Ed. King

A possessory judgement must be founded upon seven
 Years possession 13 Decemb. 1661 Ed. King contra Ed. King
 of Ed. King contra Ed. King and bona fide 25 June 1673 Ed. King
Ed. King contra Ed. King and continued for that time by Ed. King