Labouring or upholding the Rents for Civil possession by both
two decrees for seven Years Rents, was Found not sufficient
give the benefit of a possessory Judgment 28 January 1672
Sparpar contra Armour. An heir of Tailzie not Restrained
Contracting debt by any Irritancy, having forgotten his
to the Tailzied Estate after he was infeft therein
Presuming an Irritancy upon another Account, the
declared and sustained upon the Irritancy as Heir of
to a Creditor deceased, was not allowed to Counsell his
sion with that Predecessor sustained to found a possess
Judgement against a Creditor of the Intermediate Heir
title was repelled in Manner aforesaid 8 March 1671
Abandonment contra Hume. A Possessory Judgment
Defendant against a Pursuit of Regress to warrand his
Unless they had been seven Years peaceable possessors
thereof. How an Action of the principal Lands &c. may
Division the Pursuer
Contra Campbell 20 Feb. 1633 Barbet contra Fumerton
is a possessory Judgment Followed against a Wadset
her Jointure Lands without seven Years possession
her Husband's death when she was Pupill 40 years
1669 M.c Lellan contra Lady Kirkbright. A possess
Judgement upon a Tack and Infeftment in the Tacksman
found Interrupted by Labouring the Ground and
Door, without against all and Sundry within the Ground
seven Years peaceable possession, without production
=tion thereof, called the possession of Forced Not sufficient
rights granted by the Infeft Heir or Last Author
1672 Hume of Polwarth contra E. Marr. Simple possession
between parties the space of seven Years did not
because, tho the possessory Judgement once taken effect
by seven Years possession, no Subsequent Impediment
could take it off. Interruption of a possessory Judgment
=ment hinders the beginning of a new possessory Judg
=ment by seven Years possession after Interruption
because such Interruption ceaseth only by possession
or forty Years possession 22 July 1664 Montgomery
contra Hume. But now all Citations for Interruption
of Real or personal rights must be renewed every
seven Years Act 10 Parl. 2 Jesi Ch. 2. Thereby Pursuers
need not in Possessory Judgments to found upon
a Title, as Parties are forced to do, but are bowed to
Reduction, by seven Years possession only. 25 Novem
1664 Peter contra Mitchellson 18 July 1671 E. Hum
contra L. Pitlaw 6 Decemb. 1672 Veatch contra
Wedderlie. Because ordinarly they have no Writs, a

any writs their predecessors had are commonly lost Tailzies
hands.

The purpose of a possessory Action of Mails and Duties,
tho he hath only libelled upon the Seisin, without founding on
seven Years possession, may if a Tenant object Decreet
Interest, reply upon the privilege of a possessory Judgment
The privilege of a possessory Judgment will not take place
what time the Action of Removing is to be dedused after
in a Reduction declarator or Exhibition to which
might in the person of the Heir.

After possessory Actions require no Titles, but only Possession
to be Pursuer
of Spuilzie
of Ejection, actions of

Sect. 5.

Actions

Actions

Actions

Penal Actions are those which

damage is sought, but also

on any

Actions of Spuilzie

By the Laws

For so far as

the Heir was Factor

crime or offence

de Reg. Jur.

Disposition of

=tion was Made against the predecessor

Jur. Com. ex Delict. Defunct

the predecessor in pursuing

=cessor Unknown to the Heir

was Summoned Will by warrant

law obligeth an Heir to Answer

=cessor, tho there was neither

the Heirs nor any advantage

Cull. de Expulsoris C. de Raptoribus. And Sir George Mackenzie
Observ. on Act 69 Parl. 6 Q. 5) says, that our practice followed
the Canon Law as more Reasonable and Conscionable. But
Why he should say so I don't see. For the current of our
Decisions