

sion by the space of fourteen years, he could not invert his possession by any posterior deed done by him in favours of any other person. The Lords sustained the exception. *Page 200.*

1628. *February 26.* JOHN GORDON *against* ROBERT MOFFAT.

JOHN Maxwell being addebted to John Gordon in 100 pounds, John Gordon raised letters of arrestment, and arrested, in Archibald Anderson's hand, forty bolls of oats belonging to John Maxwell, and called to make the same forthcoming in satisfaction of his debt. Compeared Robert Moffat, donator to John Maxwell's escheat, and alleged that the said victual could not be made forthcoming to the pursuer; because John Maxwell, to whom the same pertained, being rebel, the gift of his escheat belonged to him, whereupon he obtained general declarator long before the pursuer's arrestment. Replied, Not relevant, except he had obtained special declarator. Duplied, His right being declared by decret of the Lords, the rebel's goods cannot be taken from him by any subsequent arrestment after his declarator. The Lords preferred the donator. *Page 101.*

1628. *February 29.* ROBERT LINDSAY of CAVIL *against* The TENANTS of ROSSYTH.

WILLIAM Philip, being infest in an annual-rent of twelve bolls of victual out of the mains of Rosseyth, he dieth *in anno* 1597: William, his son, as heir to his father, is infest in the same annual-rent *in anno* 1611, who made Robert Lindsay of Cavil assignee to the said annnal-rent, of all years between the father's decease and the son's infestment: Upon which assignation the assignee intented action for poinding of the ground for the said years. Alleged for the tenants, That the ground could not be poinded for these years by virtue of the sasine of William the son, because, by the same, he had not right to the said annual-rent of any years preceding the date of his infestment, during which it was in non-entry in the superior's hands. Answered, The tenants had no interest to propone that; and, albeit the cedent's sasine be not till 1611, yet the whole annual-rent of all years since his father's decease will accresce to him after the date of his infestment, as heir to his father; and, consequently, as the cedent had right as heir, so his assignee had competent action for poinding of the ground. The Lords found the exception relevant.

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1628. *March 5.* The HAMMERMEN of GLASGOW *against* CORNELIUS CRAWFORD of JORDANHILL.

THE deacon of the Hammermen in Glasgow pursued Cornelius Crawford of
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