

1628. July 11. LADY EDNAM *against* L. EDNAM.

No 7.

THE act 36th, Parl. 1469, relates only to poinding upon moveable debts, and not to poinding of the ground, which the Lords found did affect the ground, and all the goods thereon, until all bygones owing to the poinder should be satisfied, and that without regard whether the tenant was in arrear to his master or not. They found, that *evicta et illata* belonging to strangers, might be poinded on the ground. See No 6. p. 1277.

Fol. Dic. v. 2. p. 96.

* * This case is No 31. p. 8129. *voce* LEGAL DILIGENCE.

1628. November 21. WATSON *against* REID.

No 8.

A DECREE of poinding the ground is chiefly directed against the ground itself, and consequently only against the possessors; and therefore may be put in execution against it, in whose hands so ever it be, without necessity of taking a new decree against the present possessor, that the moveables thereon, and the ground right thereof, may be appraised.

* * This case is No 17. p. 10510. *voce* POINDING.

1629. July 8. STEWARTS *against* HOME.

No 9.

POINDING of the ground, for annualrent, cannot be granted but out of the lands wherein the pursuer was infest, although the lands be united to the granter of the infestment of the annualrent, except they be contiguous; for no vassal may make an union.

Auchinleck, MS. p. 160.

1632. March 2. L. GARTHLAND *against* LO. JEDBURGH.

No 10.

THE Lord Jedburgh having wadset to the Laird of Garthland some land, received a back-tack for payment of 1200 merks yearly. Garthland raised a summons against him for payment of the back-tack-duty, wherein he concluded, likewise, to have the ground poinded for it, for all years to come. Which conclusion the LORDS would not sustain; for the pursuer being infest in the property, could not seek his own ground to be poinded for any thing due to him out of the said lands.

Spottiswood, (POINDING.) p. 232.