

## P O S S E S S I O N.

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1499. *May 2.*      *JOHNE FENTOUNE against WILLIAM SIMPSONE.*

**G**IF ony man being in possessioun of ony landis, miln, or ony uther immoveabill gudis, be ane certane time and space, (albeit the samin be only be way of deid, and without ane title) be vexit, troublit or spulzeit of his said possessioun; the spulzear is not only haldin to restore him to his possessioun agane, and to desist and ceis fra all troubling and molesting him thairintill, utherwayis than law will, in all time cuming; bot also he aucht and sould pay the coist, damage and expensis, sa far as he that was troublit and spulzeit can sufficientlie prove that he hes sustenit thairthrow.

*Balfour, (POSSESSION.) No 8. p. 149.*

**No 1.**  
Of spulzie of  
a person's  
possession.

1503. *November 18.*

*The PROVINCIALL of the BLACKFRIERIS against WILLIAM BERVICK.*

**A**NE man beand be the space of ten zeiris, or ane langer time, in use and possessioun of ony annuelrent or dewtie to be upliftit out of ony landis or tenementis, or ony uther thing, he aucht and sould bruik and joise the samin, and be mantenit in his possessioun foirsaid, ay and quhill he be lauchfullie callit, and ordourlie put thairfra be the law.

*Balfour, (POSSESSION.) No 1. p. 148.*

**No 2.**  
No man  
should be put  
out of his pos-  
session but by  
order of law.

1531. *October 6.*      *DAVID VALLANGE against WILLIAM SCOT.*

**G**IF ony person persew ane uther for gudis, geir, or ony uther thing quhilk was sumtime in his possessioun, and quhilk he hes fraudfullie absentit and put away, he may be callit and persewit like as gif the samin were presentlie in his possessioun; quia qui dolo desiit possidere, pro possessore habetur.

*Balfour, (POSSESSION.) No 5. p. 148.*

**No 3.**  
*De eo qui dolo  
desiit possidere,*