

No 326.

to remove all impediments standing in his way of bruiking and possessing these lands, whoever be the author of the rights called for. THE LORDS, for their farther clearing, desired to hear this point more fully debated in presence, before they should proceed to a decision, because it was a general case; and certifications are reputed odious in law, *et rapienda est occasio* to reponne parties leased against the same; though, on the other hand, it is the security and interest of the people, *ne lites fiant immortales*, and l. 13. C. De judic. sets a period both to civil and criminal actions; the first to be determined in three years, and the last in two; which pleads that certifications are both equitable and necessary.

*Fol. Dic. v. 2. p. 203. Fountainhall, v. 1. p. 686.*

1706. January 15.

LOCH against HOME.

No 327.

THREE several decrees of apprising, containing each of them a distinct Sheriff-fee, being extracted by the clerk in the apprising against three debtors bound all in one bond, were found null, in respect there was only one claim given in to the messenger, one letters of apprising, and one decree pronounced by the messenger.

*Fol. Dic. v. 2. p. 205. Fountainhall.*

\*\*\* This case is No 104. p. 3759. *voce* EXECUTION.

1709. February 15.

JAMES FORREST, Merchant in Edinburgh, against Mr JOHN CRAIG, Writer there.

No 328.

IN a competition betwixt Mr James Forrest and Mr John Craig, the LORDS found a second extract of a decret of adjudication at the instance of George Marshal, author to Forrest, null, albeit conform to the minutes; in respect a first extract in other terms, and disconform to the warrant, had been judicially produced; and the second was amended without application to the Lords for that effect.

*Forbes, p. 324.*

1713. January 20.

ROBERT JOHNSTON of Keltoun, against GEORGE HOUSTON, Son to the Deceased Patrick Houston, Merchant in Glasgow.

No 329.

IN a process, at the instance of Robert Johnston against George Houston, for reducing a decret *in foro*, holding the pursuer as confessed upon the verity of