

obstructs the expeding of his pension, and qui facit per aliam esse
facere ~~videtur~~ Videtur 24 feb. 1708 Irons contra L. Poivre.

Having said what I thought sufficient concerning personal poiding
I shall now turn my Discourse upon real poiding, called poiding
of the Ground.

Tit. 2.

Of Real poiding, or poiding of the ground.

Real poiding, is the distroying of Movable upon the ground
the debts owed by a Messenger for payment of some Real Debt
bygone for Duties, non entry Duties or the avails of Marriage De-
ced, or the bygone of an highest part of Annual rent &c. by virtue
of poiding the ground, issued forth upon a Decree of poiding
Ground. In order to obtain which Decree, a Summons of poiding the
ground must be raised which varies in the tenor, according to the
Case it proceeds on. Summons of poiding the ground for a her-
editary rent thus: *Summons* *Be Proprietor of the lands of* *H.C.* *Whose Infeftments*
are granted with a Redens of a yearly rent of *H.C.* *payable to*
A. his Immediate superior and also *H.C.* *servants and Possessor*
thereof, and all others having or pretending to have Title of
the Market Croft of *H.C.* *To compare* *H.C.* *to answer at the Intra-*
ance of the said *A.* *superior* *H.C.* *That is to say, the said* *H.C.*
doers to hear and see letters of poiding issued appoyning Direct-
ly by Decree of the said lords, for poiding the Real estate goods or
hear upon the ground of the said lands belonging to the
said *B.* *Herefor the roof, and the Real estate goods or year-*
ly upon the said Ground belonging to the servants and Possessor
Respective not exceeding a lornis Maib, in payment and sa-
tisfaction of the bygone feu duties Resting Unpaid, Extending
to the sum of *H.C.* *And in so far as the said feu duties are not*
satisfied thereby, then and in that case for appoyning the ground
right of such part and portion of the said lands, as is Equiva-
nt to the said Resting feu duties: Whereby the right of the said
B. Vassal in the said portion of land shall be Extinct, and for-
sollidate with the superiority to the pursuer, to be bricked and
joised by him as full proprietor in all time thereafter, Rede-
mable allways as Accord *H.C.* *Conform to the laws and daily*
practique of this our Realm *H.C.* *According to Justice* *H.C.*

Summons

Summons of poiding the ground for non entry Duties Differs from the
former only in that non entry duties are mentioned instead of feu
duties and the Decree of Declarator Liquidating them, specially
Narrative Summons of poiding the ground for the avails of Marriage
of the bail. Which Summons of poiding the ground for the
Casualty and superiority at the Instance of Donataries, make no
mention of Contributing the property with the superiority. Summons
of poiding the ground for preceding annual rents, both as sum-
mons prescriptis verbis make the Infeftment of the grantor of
the annual rent, and the Infeftment of the annual renter to
whom it is granted. It is left in the power of a poiding
of the ground to libell and prove the rent, that when it comes
to poid the be not overruled in that by the oath of the bank.
Great Injunctions is against a poiding of the ground,
which upon poiding shall be poided and disposed of
rent upon the superiority, which and the poiding to be poided
how any annual rent or other Debtum poidi may be Infefted
and summarily, without Declarator or Redens, by one having
a preferable right upon his ground, that he shall be poided
thous a non debito poidentem: and the said poiding shall be
preferred. Nor is a right to claim the ground poided either
alter or pro se by possession that process of poiding may pro-
ceed summarily, without the pursuer first declaring his right
in petition, tho he hath not been in possession, and it is not ex-
cluded by a posterior annual renter who hath been 7 years
in possession 26 June 1662. *Dampson contra Lord*
Merino of January 1668. The said Clerkings town contra
Clerking town *The young Laird* *Hair lib. 4 Sept. 23 15. 1668*
of poiding the ground doth lie against apparent heirs, without
a Charge to enter heir 2 January 1667 *Whysant contra*
Millon The present heritor, whether his Infeftment be pro-
bick or base, Redeemable or Irredeemable, must be called by
January 1636 *Whysant contra* *Genants* June 1 Feb. 1631
Cunningham contra *Williamson* The tenants must also
be called in so far as concerns their goods. but there is no ne-
cessity to cite the superior or a Reverser, who may however
be admitted if they please, to compare for their Interest.
In a Competition of annual renters in a process of poiding