

any other action of intrusion, thereby to recover his possession; but admitted the same *ut supra* to be tried in this removing; and the defender also defending himself with the liferent-escheat, and general declarator obtained by him of this same author, of his heritable right, and which was declared before the said comprising and denunciation, and his possession foresaid; this exception was also repelled, in respect of the said reply, and because there was no special declarator.

No 4.

Act. ———.

Alt. *Foulis*.*Fol. Dic. v. 1. p. 482. Durie, p. 318.*1681. *January 18.*CANT *against* HERRIES.

No 5.

CATHARINE CANT being infeft in a tenement of land in the Stewarty of Kirkcudbright, obtained decret before the Stewart against Herries, for intrusion and violent profits; which being suspended, the suspender *alleged*, That the charger not having been in natural possession, had no interest to obtain a decret of intrusion.—It was *answered*, That though the natural possessor can only claim *juramentum in litem*, in violent profits, yet the master of the ground may pursue intrusion for dispossessing the intruder, and for the ordinary profits.

Which the LORDS sustained.

*Fol. Dic. v. 1. p. 482. Stair, v. 2. p. 835.**See APPENDIX.*