

a prescription by possession. Then *2do*, The Earl's nine years of interruption must be discounted; then the five years since the summons was raised, making in all 54 years.

No 12.

*Fountainhall, v. 1. p. 69.*

1693. February 2. HIS MAJESTY'S ADVOCATE *against* MONCRIEFF.

No 13.

THE King's Advocate cannot prosecute any action at the King's instance, tending to challenge the right of any of his Majesty's subjects, without a special mandate to that effect, though he may give his concurrence to a process brought by one subject against another.

*Fol. Dic. v. 1. p. 525. Fountainhall.*

\* \* This case is No 2. p. 3460., *voce* DESUETUDE.

1727. December 28. STEVEN *against* DUNDAS.

No 14.

A party, upon a signed information, as guilty of forgery, being committed to prison by the King's Advocate, and no day being fixed for his trial, within sixty days, conform to the act of Parliament, was liberated of course: Thereupon, he insisted against the King's Advocate to exhibit the information, which the LORDS found the Advocate obliged to do. See APPENDIX.

*Fol. Dic. v. 1. p. 526.*

1735. July 25.

EARL of BREADALBANE and HIS MAJESTY'S ADVOCATE *against* MENZIES of Culdares.

No 15.

THOUGH in reductions of grants from the Crown, custom has required a special warrant, yet it was found, that the King's Advocate, without any special warrant, might insist in a declarator of the boundaries of the King's forest, because this is only protecting the rights of the Crown from encroachments, not cutting down the right of private parties. See APPENDIX.

*Fol. Dic. v. 1. p. 525.*

1766. June. SIR JOHN GORDON *against* HIS MAJESTY'S ADVOCATE.

No 16.

SIR JOHN GORDON of Invergordon brought a complaint before the Court of Justiciary against his Majesty's Advocate, "for a breach of duty, in refusing

The Court refused to interpose its authority to