

No 54.

whom a possessory judgment was pleaded, having advocated his own cause on pretence of the competition of heritable rights, "The cause was remitted."

Kilkerran, (POSSESSORY JUDGMENT.) No 1. p. 413.

1766. January 17. M^cADAM *against* EARL OF GALLOWAY.

IN an action of mails and duties at the instance of an adjudger, a third party appearing and producing a sasine in the lands, contended, that he had the benefit of a possessory judgment, in virtue of his possession, for more than half a century on that title. *Answered*, A sasine without its warrant, cannot avail in a competition of real rights. But the LORDS sustained the defence, and assoilzied from the process of mails and duties, reserving to the pursuer to insist in a reduction of the defender's rights.

* * * This case is No 95. p. 2755.; *voce* COMPETENT.

See BASE INFERTMENT.

See Section 8th of the Title COMPETENT.

See Cranston *against* Wilkison, No 24. p. 4227.; *voce* FIAR.

See Pollock *against* Storie, No 51. p. 7216.; *voce* IRRITANCY.

See APPENDIX.