

1777. *February* 18. MAXWELL and COLTART *against* Other CREDITORS of CASTLEBANK and the PURCHASERS.

IN the same ranking of Castlebank, on another application of the same nature, but which was opposed only by the other creditors, but not by the purchasers, the Lords pronounced an interlocutor, granting a warrant in the same terms, and on the like caution.

REDUCTION.

1765. *December* 20. CAMPBELL of OTTAR *against* The DUKE of ARGYLE.

IN the case of Campbell of Ottar *against* The Duke of Argyle, the defender, who was called upon to produce all his rights and titles to the lands of Ottar, declined to take a day; produced a charter of the lands, granted to his ancestor, with a connected progress thereto, and infeftment following thereon, confirmed by possession for more than 40 years: and he contended that this progress was sufficient, and did exclude the pursuer. In this case the writings produced to exclude were part of those specially called for in the reduction; and it was contended, that they could not exclude the pursuer: but this, notwithstanding positive prescription having followed upon them, was held, under authority of the Act 1617, sufficient to bar every challenge, forgery excepted. The Court accordingly found, 20th December 1765, “that the titles produced for the defenders, with the possession following thereon, are sufficient to exclude the pursuer from the whole subjects under challenge; and therefore assoilyies the defender from the process, and decern.”

This decree was affirmed in the House of Peers, 10th February 1770.

This point again occurred, 24th *January* 1766; petitioners *Dunlops* *against* an *Interlocutor* of Lord Kennet, *Ordinary*. The court were of the same opinion as in Ottar’s case, but, without pronouncing an interlocutor, remitted the petition to the *Ordinary*.

It again occurred, 27th *June* 1776; *David Orme* *against* *Patrick Leslie Duguid*. The Lords pronounced this interlocutor,—“In respect that the ratification founded on* does not comprehend all the deeds brought under challenge

* The ratification was one of the deeds sought to be reduced.