

The word Minor is also used in a more general sense to denote any person under 21 years of age, whether over or under Impuberty, and Minorly to signify both Pupilarity, and Puberty.

In England all within 21 years of age are termed Infants.

All persons under 21 years of age enjoy during their Minority, the following Privileges.

The legal Prescriptions, except the three years prescription of Actions of removing, and of Debts not founded on Writ Act. 22. & 23. par. 6. J. 6. run not against Minors. The reason why they are not secured against the triennial Prescriptions of Removing, House-mails, Servants fees Merchants Receipts, and the like Debt not founded on Writ, is because they are not expressly excepted in the Statutes (Act. 22. & 23. par. 6. J. 6.) but their Exception seems industriously to have been omitted: since it was then one of the Parliaments Consideration and not renewed after it had been carefully inserted in the preceding Act of that same Session concerning Spuilzies and Ejections. And Prescriptions regularly run against Minors unless they be secured against it by a positive Law Michenzie Observ. on Act. 9. par. 2. Ch. 2. which is most agreeable to the Nature of Privilege.

The reason why Minors are favour'd with us against Prescription of Spuilzies and Ejections, and not against that of Removing, and Debts not founded on Writ, is because their prejudice is greater by the former, than by the latter. Prescription of an Action of Removing, which obligeth them only to give a new Warning; or by the three years Prescription of House-mails, and Servants Fees, &c. which only cuts off the Manner of Proof by Witnesses Michenzie Observ. on Act. 23. par. 6. J. 6. But whatever Privilege Minors may claim against the legal Prescriptions, they can pretend no such thing in conventional Prescription: as when a Reversion is granted to be exercised within a determin'd Time, or Lex Commissoria is adjected to a Sale, for annulling the same in case the Price be not paid ^{within} a certain Day, which conventional Terms run and expire against Minors as well as others.

Nor are they to be reliev'd against the same, whether the bargain and/or such Circumstances, was entered into with the Minor's Predecessor, or with themselves authorized by Tutors or Curators: unless the Minor instructs upon by suffering such an Injunctio, to be adjected C. 30. ff. de Minor. Jo. Voet Comment. ad tit. ff. de Min. N. 30. for since probably the other party would not have agreed with the Minor or his Predecessor upon any other Terms it were hard to dis-appoint the same by the pretext of Minority. Again qualified Favours indulg'd by Law to Persons for a certain Time, expire, if not exercis'd within that time, against Minors as well as Majors: such as the Privilege of Regeneration and Homing upon protested Bills Act. 20. par. 3. Ch. 2. and of Executors Creditors, or Creditors doing Diligence against Executors or Intrometors with a deceased Debtors goods within the Months Act of 1622. & February 1662. The Preference of Creditor's doing Diligence within three years

Years after their Debtors Death, to the Creditors of his apparent Heir Act 24. par. 1. Sep. 1. Ch. 2. and the Year and Day allow'd to Appraisers and admidgers for their coming in pari passu Act. 62. par. 1. Sep. 1. Act 19. par. 2. Sep. 3. Ch. 2. Minors may redeem within the Age of 25 years Appraisings or Judications whether laid against themselves, or against others, to the legal Reversion whomever the Minors have Right as Second Apprisers or Adjudgers Act 6. junct. Act. 7. par. 23. J. 6; and they are oblig'd during their Minority only for the Annual-rent of the Sums in the Appraisings Act. 10. par. 1. Sep. 3. Ch. 2. because Minors are oftentimes not only destitute of Tutors and Curators, but even, when they have them, are seldom in Capacity or Credit to raise payment of Debt.

Minors non tenentur placare super Hereditate paterna Sal. Wilhelmi R. Cap. 39. they are not oblig'd to answer any process that may exist Heretage possess'd by them as succeeding immediately to any Ascendant in the right Line whether Masculine or Feminine who died in the peaceable possession by Vir-tue of Infeftment Stat. Just. lib. 1. tit. 6. §. 45. Heretage here is understood only of Rights whether of Commonry or Property completed by Infeftment, and not extend'd to such as are heritable by mere Destination, as Bonds or Dispositions without Infeftment 31. January 1665 Kellart contra Pringle 27. Novemb. 1672. Louthrie contra L. Guthrie. But Conquest that is

Purchase, comes under the Denomination of Heretage in this Case 20. Novemb. 1683. Fleming contra Carstairs. Minors cannot by this Privilege defend Heretage ^{or} to them from Collaterals, such as Uncles or Aunts their Grand Michenzie Just. lib. 1. tit. 7. §. 11. nor yet excuse themselves from disputing the Rights of their own Conquest 23. June 1725 Pringle contra Heit & E. Plaine. Thus a Father having dispos'd to his Daughter who was his only Child, his Estate which was provided to Heirs Male, and the Heir Male having rais'd Reduction of the Disposition ex Capite Bedi, as done to his prejudice on Deceas'd. this Defence made for the Daughter, that she was Minor and so not oblig'd to answer to a Reduction de Hereditate paterna, was repell'd.

Because the Brocard holds not where the Minor's own Right or the Validity of a Disposition in Favour of the Minor is quarrell'd; but only where the Father's or other Ascendants Right is call'd in Question, which the Minor is not oblig'd to dispute 25. February 1683 Glepoun contra Glepoun. This Privilege was introduced in Favour of Minors whom it was not thought sufficient to leave to recover such Rights by Restitution and Reduction: since in that Case they would lose the Fruits and Profits medii temporis but this Privilege is competent only to a Minor who has serv'd Heir and not to an apparent Heir 20. Novemb. 1683 Fleming contra Carstairs. It belongeth to a Minor Infeft, whose Father Requirer of the Lands from one Infeft died in possession without Infeftment 23. June 1625 Pringle contra Heit and E. Plaine. The Minor must produce his Parents Infeftment, at least that it is Hereditate paterna. But albeit this is only a delatory Exception, not being