

sisting process till the Defendant's Majority, it needs not to be instantly over-
 fled, but a Form will be granted to prove it 24 February 1676 Hells contra Fin-
 nior because Minority is a Matter of Fact. The parents Infeudment being pro-
 duced, and possession conform proved, the Defence will be sustained against
 any further production 31 January 1665 Hells contra Pringle. Nor was
 a Minor obliged to dispute, whether his Father's Author was in feft, or whe-
 ther his Father had disposed the Land before his Death 18 January 1667
 Chapman contra White. In the Opinion of Lord Stair Just. lib. 1. tit. 6. §. 4.
 in fin. This privilege may be claimed by a Minor, whether his Right be prin-
 cipally quarrelled, or only consequentially as depending upon the Right of
 one who is Major. And so it hath been decided 25 Novemb. 1624 Hamill-
 ton contra Mathieson 23 June 1625 Pringle contra Ker and E. Kume.
 Because the Minor if his Right should fall in Consequence of another's
 would thereby lose the profits of his Land. So that I don't find upon
 what ground for George McKenzie (Just. lib. 1. tit. 7. §. ii.) says, there
 is no place for this privilege, where the Minor's Right is quarrelled only
 consequentially, the chief Right quarrelled belonging to a Major. It is
 true, a Declaratory Recognition of Ward Lands upon the Vassal's
 alienating the major part thereof without the Superior's Consent was
 not stopped, altho the Subvassal who was cited was Minor, and his Right fell
 in Consequence with the Right principally in Question of the Vassal
 who was Major 22 February 1660 Cochran contra ^{but that}
 is nothing to the purpose, seeing a Minor's Right may be even directly
 and immediately quarrelled by the Superior pursuing for his Casualties.
 So that when the Right of one who is Major, upon which a Minor's Right
 depends, is sought to be reduced; process without Delay will be sustained
 against the Major's Right, notwithstanding the contingent Cause or
 Contingency with the Minor's Interest 25 Novemb. 1624 Hamilton
 contra Mathieson, whose privilege is personal and stricti juris. It
 was not sustained to stop Action against a Liferenter who was Major,
 altho the Fiar was Minor, and the Liferent provided in Grames of
 the Minor's Right 21 March 1628 Balmanno contra Yule, nor
 yet to stay Reduction and Removng against a Liferenter, whose Right
 the Minor Fiar was obliged to warrant 15 July 1665 Borthwick
 contra Skene seeing Warrandice as but a personal Obligation may
 be infer'd against a Minor, and the benefit of Reducion of the life-
 rent Right, accrued to him in whose favour it was reduced; and not
 to the Minor Fiar, so as he could defend the Liferenter's possession by
 his Tolrance. Eodem die inter eadem. But, as personal as this Delay
 privilege is, when Minors during the Ward are not liable to answer
 to any Action of Warrandice, the Minor's Cautioner who is Major
 ayons

enjoy the like Immunity during the fore-said Intervall. For as Gray
 Jus. lib. 2. tit. 4. §. 5) observes, Si plures sint Heredes, unus Minor qui
 Exceptionem dilatoriam habet, donec ad legitimam aetatem pervenerit Ratione
 Wardis, hoc Exceptio & alij proderit qui ^{conjunctum} cum eo causam habent.
 This privilege is competent to Minors against Minors as well as others not-
 withstanding of the Brocard: Privilegiatus contra privilegium non uti-
 tur Privilegio. Stair Just. lib. 1. tit. 6. §. 45 for retaining possession is more
 favourable than recovering thereof. But a Minor Decerned to remove from
 Land, wherein he and her Father were in feft and possess'd at the Instance
 of another Minor, was not excluded from reducion that Decret upon the
 Head of Minority 10 June 1680 Lyel contra Dous. In regard the Re-
 duction was used in Defence of a Minor's Right, and of her own and
 her Father's possession, and the Defender the Minor, behoved either to re-
 store the possession or dispute the Right. Where process is sisted against
 a Minor upon the Account of this Privilege, and any Proof is necessary
 by Witnesses, their Oaths are taken to lye in retentis, least they die in
 the meantime 31 January 1665 Hells contra Pringle, 15 February
 1670 Gordon contra Macneil.

Minors have not by the civil Law this privilege of Exemption from
 Actions that may evit their paternal Inheritance.

But in England an Infant or Minor having an Action brought
 against him for Lands that came to him by Descent may show the
 Matter to the Court, and pray quod loquela remaneat, that the Suit
 may cease or stay, until he come to the Age of 21 years: which Peti-
 tion or Motion is called Age-prayer. Whereupon the Court will give
 judgment quod loquela praedicta remaneat, quousque the Minor come
 to full Age: which is called parol Demurrer. The Minor who is allow'd
 this Privilege is said to have or to be allowed his Age, or Nonage.

There are several Cases wherein this Privilege of Minority takes no place
 even as to the parents Heretage, these are 1^o It doth not hinder a
 Minor to implement his Father's Obligation to denude himself of the
 Estate Spotswood tit. Minors Hamilton contra L. Cambuskenneth
 Stair Just. lib. 1. tit. 6. §. 45. For here is no Competition of Rights.
 And Action of Recovery to Warrandice Lands, was sustained against
 a Minor, upon Eviction of the principle Lands dispo'd by his fore-
 decessor 20 February 1683 Bower of Kinnethles contra Lyon of Bry-
 town 2^o This privilege depends not against possession Actions concerning
 Marches or Division of Lands, 27 July 1675 Robertson contra Stewart
 15 December 1666 Hartsdow contra Hartwoodburn. But Minors are
 not