

cases in which the Minor's Minor non habetur  
privilegium de - is not applicable

not obliged to answer in Perambulations Stat. David 2. Cap. 20. in  
respect these are petitory Actions concerning <sup>38.5. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.</sup> Property & a Minor  
secure by the Privilege of his Age against approving the Tenor of a Charter  
exclusive of the Minor's Right, 15 February 1628. *W. of Gedburn contra E. of Glam* albeit no process could proceed upon that Charter during  
the Impediment of Minority. 3° It doth not bar the Superior from  
purchasing for his Casualties, as Recognition by Alienation of Ward-  
Lands without his Consent 22 February 1660 *Cochran contra*

*Stair Jbid.* yea a Declarator of Recognition was sustained  
against a Minor, upon his predecessor's Deed, where no process had been  
commenced against the Grantor in his Lifetime: albeit all criminal  
Actions except for Treason extending until 19 February 1662 *L. Carnegy contra L. Cranburn*. 2° January 1681. *L. Dun contra Scot*.  
Because a Deed inferring Recognition is not a Crime, but a conditional  
Nullity implied in the Nature of the Ward-vassal's Right; and the Pri-  
vilege of Minority hath no Effect against the Superior, but only against  
competing Vassals. 4° This privilege doth not avail a Minor whose Father's  
Right is quarrelled upon his Fraud 27 December 1711 *Crawford contra*  
*Crawford* or for not payment of his Feud Dutys many years past 20  
February 1633 *Lennox contra Murrain*, or quarrelled by Improbation,  
Forfeiture, or Recognition, for his or his Author's Crimes or Offences as  
Falsehood Treason, *Stair Jbid.* *M'henzie Jbid.* 5° A Minor is not pri-  
vileged from answering in a Reduction of Rights made by a Husband to  
his Wife, or by a Wife to her Husband immediately, or by interposed  
Persons *statute Matrimonialis*, revoked by the Grantor 16 February 1680  
*Gordon contra Maxwell*. Because these are null and ineffectual nisi not-  
to confirmatur; and a Revocation thereof is competent against  
the Receiver's Heir in the same Way as a Rescission or Back-band  
granted by him would be sustained against his Heir. 6° This Pri-  
vilege is repelled in an Action of Exhibition 10 February 1714 *Gordon*  
of *Earlston* contra *Gibson*. Because an Exhibition has no Effect  
either as to the carrying away or the least impairing the Minor's Here-  
tage 7° The Privilege takes no place, if the Minor be not Heir, but  
a singular Successor 19 February 1662 *L. Carnegy contra L. Cran-*  
*burn* or if he did not succeed immediately to his Parents, or if the pa-  
rent did not die in the peaceable and lawful Possession, but had pro-  
cess commenced against him in his non-Lifetime. *Stair Jbid.* *M'henzie*  
*Jbid.* By law full Possession we mean that which is neither violent,  
Clandestine nor precarious. It is not determined by Law or Custom  
how long Time is required to hinder the Parent's Possession to

Minority - mode of counting the day of the  
expiration.

be called clandestine or Momentary: but their and their Authors con-  
tinued Possession may suffice or Possession of the Deceased by the Discontent  
of his Heir, tho' not by any other Discontenter; or by singular Successors  
by redeemable Rights, as Wadsetters or Approvers *Stair Jbid.*

Majority or full and perfect Age both in England (*Coke's Inst.* 78.  
b.) and Scotland, is fixed to and carried no farther than 21 years complete,  
both in Males and Females. Because tho' the latter goes sooner out of pupilli-  
larity than the former, while both are safe by the Inspection of Curators;  
it were hard to leave these weaker Vessels altogether to act for themselves  
two years sooner than Men, who may be left apt to find themselves im-  
posed upon. But in the Civil Law *L. ult. C. de his qui ven. etat. et ab-*  
*so in France Les Lois civiles et. Tom. 1. part. 1. Liv. 2. tit. 2. pr. Liv. 4.*  
*tit. 6. Sect. 1. pr. part. 2. Liv. 3. tit. 1. Sect. 8. Art. 33.* Persons are not un-  
derstood to be of full Age till the period of 25 years be expired, or till they  
have accomplished 25 years. The reason for bringing down the common  
Term of perfect Age to 21 Years seems to have been, that Ward Vassals  
might then be allowed to enter into the Possession of their Estates when  
they are generally capable to serve the Superior. By the Custom of some  
Places, no Woman can act effectually without a Tutor *Greenock ad L. 3.*  
*C. de in integ. restit. min. Rodenburgh de jure conjug. Fract. de Stat. divers.*  
*post. alter. Cap. 4. tit. 4. N. 9 & 10. Car. p. 1. jurisprad. forens. part. 2. Constit.*  
*15. Def. 1.*

In the Computation of the Years of Minority, we reckon de momento in  
Momentum, that is when they have completed the last Moment of the last Year  
of Minority, Minors are then said to be of full Age or Major. *L. 3. § 5. ff.*  
*de Minor. 26 June 1624. Drummond contra L. Cunninghamhead.* And  
the years are computed in such a Manner, that the Days called bisse-  
tile in Leap-years, which according to our Computation are the 28 & 29  
of February, are only reckoned as one. For both the one and the other are  
of the same year, at what Moment soever it may have begun *d. C. 3. § 3.*  
*J. de Minor.* so that for Example who ~~is~~ born on the twintie eighth  
of February and whose one and twintie Year happens on a Leap-year,  
will remain Minor till the Hour of his Birth on the twintie ninth  
Day. Such a Computation de Momento in Momentum is observed,  
because it is advantageous for Persons under Age to be under the Inspecti-  
on of others. But in Favorabilibus, in Cases touching the Minor's Honor  
and Advantage, as the making of a Testament *L. 5. § qui testam. fac. pup.*  
The Enjoyment of Offices *L. § de Minor. & honor. Time* is calcula-  
ted *civiliter*, and *dies vel Annus captus habetur pro completo*, but they  
with