

the rule tantum et late prescriptione, quantum et quale possessione
 Reason is, because Vicarage tithes are Local and Consecrated in any
 a process for Valuing Vicarage tithes (20 Decemb. 1711 Grantford
 mont quhannoy and Alison contra old Goddige of St. Thurov) the
 Lord found, that heretofore having past memory of Man being
 to pay a Liquid Silver duty in Lieu of Vicarage, that Liquid duty
 beloned to be the Rule of the Valuation and the more could be
 time coming. This prescription doth cut off by one possession tithes
 duties 7 feb. 1665 E. Pan mire contra Parishioners, Fisher Con. 11
 Feb. 2. Deff. 66 by gone Casual ties and duties of Superiority 15 Decemb.
 1634. Gairtully contra Commiser of St. Andrew, Annual rent
 July 1671 & 7 feb. 1672 Blair contra Blair And all Annual prescrip
 not ~~is~~ within the term of Law, because every annual prescrip
 implies a Distinct obligation, and prescribes by the Creditor not
 wing it within 40 Years by Stat. E. de prescrip. 30 vel. 40 Ann. 16
~~Prescrip. 30 vel. 40 Ann. 16~~ Personal bonds, actions
 upon heritable bonds, contracts, Reversions neither in Gromio or the
 Infeftment nor Registered, do prescribe. But Actions upon Reversions
 is grobed in the body of Infeftments used and produced by the poss
 of lands for his title, or Registered in the term of Law, ~~or~~ are pre
 scribed by Stat. 12 Par. 22 J. 6. For that in the case of Ingressed Reversions
 the possession by the true title possessor for the Reversion. And there is
 the reason why Prescription should no more take place against
 Reversions Registered than against those Ingressed. In case Reversions
 being designed for publication, every therein contained is supposed
 to be Generally known; and Reversions whether Ingressed or
 Recorded, are not only more facultatis, but also less obnoxio
 to the suspicion of falsehood than separate & land of time Re
 visions are, and no man can prescribe contrary to the Qualifica
 tion. Thus a Registered Reversion was found to be good against
 the positive as well as the negative prescription, and did not
 prescribe by singular Successors having possessed the subject
 than 40 Years by Virtue of absolute Charters containing no
 Reversion, without any Document taken upon the Recorded Re
 version all that time; January 1727 Elliot of Straberton and
 Creditors contra Max well fear of Perth scales. The Reason why Re
 corded Reversions do not prescribe, albeit Registered bonds do
 prescribe, is because, the bonds may be Registered, yet there is no
 necessity for Registering them. Whereas Reversions must be
 Registered, and the Registration thereof is appointed by Statute for

the Information of all concerned. A Wadsetter whose right stood affected by
 a life rent in Gromio, having after wards required an Infeftment to right
 Narrating the Wadset, the life rent right was found prescribed by Stat. Com.
 mencing Action thereon for the space of 40 Years after it took effect 6 Feb.
 1711 Stewart contra Children of Pitlochry. Because all Actions Except
 upon Reversions Incorporated or duly Registered, prescribe such as
 within 40 Years do act 12 Par. 22 J. 6. And a life rent right is not a Reversion
 nor doth the long prescription require bonam fidem, but only a heritable
 title. Prescription was found competent against a public right, viz. the
 Action of Regality flowing from the Sovereign; or Immunity from adulation,
 appearance or Involvement in the Court of the Bishop, for 40 Years, and being
 in use to be called in the Rods and Mercate in the Sheriff Court 23 Nov.
 1671 L. Craigwar contra Holland of Despair. It was not debated
 but not Determined (25 July 1712 Montcrief of Warrinera contra heirs
 and Creditors of Ballo) whether the negative prescription took effect
 against a real right of lands? It was argued on the one side, That the
 Reason for cutting off real and heritable prescrip. was not a
 for the negative, as for the positive Prescription. 2^d of the Words in the
 second part of the Statute 1617 (act 12 Par. 22 J. 6) viz. that all Actions
 Competent of them are upon heritable bonds, Contracts, Reversions
 or other whatsover, must be pursued within 40 Years after the
 Date Except Reversions Incorporated or Registered that prescribe in
 no time, and Actions of Warrandice upon bond or Infeftment which
 prescribe only from the date of the Deeds. Now it is established
 not prescribe non attendo, there was no necessity to insert Action upon
 real Warrandice. It was answered, the said words of that Law
 concern only the prescription of personal Actions but the Stat. 12 Par. 22
 concern Doubts and Questions of Law. The prescription extends. The
 if it Extended to Real Actions, the first part of that Excellent Stat.
 but were superfluous: for it would suffice in all Competitions,
 Declaratory, yea in all cases whatsover to propose the positive
 prescription; seeing that doth ever Concur with the positive, the
 not e Contra. No man would ever burden himself to prove the posi
 tive prescription. 2^d of this absurdity would follow from sustaining
 a negative prescription of real rights, that a person Infefted but Yesterday
 a non habentis potes talem, might exclude by Prescription
 an Infeftment where upon no Action hath been raised for 40 Years, but
 Connected with a Competent progress of a hundred Years, and one who
 had a Year possessed a piece of ground as part and pertinent of his
 other lands, might defend himself by the negative prescription
 against