

Continuance in an Lawry. A Vassal doth not prescribe against the Superior, by not paying the fees and other duty in his Charter 11 Decem 1678 Ramsay contra F. of Kirkcaldie & Craigie. lib. 1 fol. 9 § 15 lib. 2 § 184 Verb. Superfl. Stair lib. 2 fol. 12 § 16. Because the rights of the vassal acknowledge and owns the Superior's right, and the Vassal's possession is esteemed the Superior's Possession. But a Vassal prescribes 40 Years by Infeftment flowing from another Superior; without acknowledging his former Superior, that Superior's title prescribes. Ibid. § 24 in fine. A Tenant cannot prescribe against his master, by not paying his last duty, except as to bygone not claimed within 10 years 10 March 1627 Beluxal tue & Glasgow Men. Stair ibid. § 17. Because the last suppose the masters right, and the Master possesses by his last. But once taking a tack cannot hinder him to prescribe an annual right to the subject by forty Years possession thereof proprio jure & in virtue of a proper title without acknowledging the tack. But tenants possession by virtue of an Infeftment did found a prescription to him against the seller of the tack. 27 Novemb. 1677 Grant contra Grant.

Minors in Scotland are privileged against the Long 40 years prescription of personal rights by Custom. Stair lib. 2 fol. 12 § 18. Mr Kenzie observ. on act 29 Par. 3. According to the Civil Law, such things be not Expressly excepted but inadvertently omitted in the law act 29 introducing that prescription. Thus prescription of a personal bond was not sustained in respect of the Tutor's Minority of Creditors nearest of kin, albeit these were not confirmed Executors to him, and so had no right to the bond 23 Feb. 1719 E. Maxwell contra Home. Because Minors are as ready to neglect the establishing titles to their estates as to do the contrary deeds for interrupting or prescription, Minors are secured against the prescription of rights by positive law act 12 Par. 22 § 6. Minority is not proper an Interruption of prescription, that cuts it off so as to make begin again from the time of the Interruption; but only stops the course of prescription during the Years of Minority, which are deducted and enter not in Computo to make up the term of prescription. Ignorant or Mad men being minors in the Construction of law, and subjected to the oversight of Curators. Question if the 40 Years prescription runs against them 25 George Mr Kenzie observ. on cl. act 12 & on cl. act 29 is not clear

1356. Clear whether prescription runs against such; because it is hard to know who are Curators, and a man may feign himself Curator to the end to prevent Prescription may not be sustained against him; and Curators may continue rightly or falsely by the Lord Bishops and Sir James Stewart Ambassadors to Dordrecht 16 Jul. Doral. Reverendus Comes. to Folio are both of them, that Actions upon Contracts do not prescribe against Actions upon Bonds or Bonds or non vassal agree and do not allow them to have the Prescription of their own goods.

As a rule in the Law of Prescription, it is hard to know who are Curators, and a man may feign himself Curator to the end to prevent Prescription may not be sustained against him; and Curators may continue rightly or falsely by the Lord Bishops and Sir James Stewart Ambassadors to Dordrecht 16 Jul. Doral. Reverendus Comes. to Folio are both of them, that Actions upon Contracts do not prescribe against Actions upon Bonds or Bonds or non vassal agree and do not allow them to have the Prescription of their own goods. The Prescription of a bond is not sustained in respect of the Tutor's Minority of Creditors nearest of kin, albeit these were not confirmed Executors to him, and so had no right to the bond 23 Feb. 1719 E. Maxwell contra Home. Because Minors are as ready to neglect the establishing titles to their estates as to do the contrary deeds for interrupting or prescription, Minors are secured against the prescription of rights by positive law act 12 Par. 22 § 6. Minority is not proper an Interruption of prescription, that cuts it off so as to make begin again from the time of the Interruption; but only stops the course of prescription during the Years of Minority, which are deducted and enter not in Computo to make up the term of prescription. Ignorant or Mad men being minors in the Construction of law, and subjected to the oversight of Curators. Question if the 40 Years prescription runs against them 25 George Mr Kenzie observ. on cl. act 12 & on cl. act 29 is not clear.