

and water, and caused one having jurisdiction as the bailie or heritor of the bounds, apprise the scaith, and then offer it back to the owner on payment thereof. *Vide, L. 39, § 1. D. and L. 5tam C. ad legem Aquilianam*; see act 11, Parliament 1535, and Bartolus there cited.

Thir two decisions I read in the President's *Collection of Practicks*.
Advocates' MS. No. 632, § 5, folio 299.

1677. *July.*

ANENT PRESCRIPTION.

IT was affirmed to me that the King's taxation, and Lords of Session's taxation in 1633, do not prescribe within the 40 years: at least that the ten years of the English usurpation must not be reckoned in that count; because they were then *non valentes agere, contra quos nulla currit præscriptio*. *Vide No. 631, Lindsay and Fraser, [30th July, 1677.]* There was two years, viz. from *February* 1659, till the end of 1660, that must be discounted in all prescriptions; because there was then no courts in Scotland: which is much to be attended in counting prescription, where it is but shortly past. *Advocates' MS. No. 632, § 6, folio 299.*

1677. *August 1.*

ANENT ADJUDICATIONS.

THE President caused the Lords call back for a decreet of adjudication of some of my Lord Cathcart's lands; and stopped the signature of infestment, sought to be expedie thereon at Exchequer, though it was extracted ten days before; only because it was not inrolled, but called and decerned amongst the acts; whereas the new adjudications use all to be so called, unless where there is compearance for the debtor; in which case, conform to the act in 1672, he will get a day to prove the value of the lands, and to produce the writs; and if this were an informality, then 20 decreets of adjudication will fall. Yea, in this case the master of Cathcart had written a letter to the party, acknowledging the debt, and offering to take a course therewith. But he is the President's son-in-law. See of concussion, *supra, in July 1677, No. 592, Mistress Jean Gray contra Sir A. Primerose*. Anent the summary calling of adjudications, see *No. 453, supra, Nasmith and Kello, § 3, [February 1676.]* *Advocates' MS. No. 634, folio 299.*

1677. *August 3.*

SIR ANDREW RAMSAY'S signature of the lands of Waughton, Abotshall, &c. upon his father's resignation was passed in Exchequer. But in regard there were sundry feu-duties owing for Linton, East-Forton, AuldCambus, Fast-Castle, &c.