

1675. July 14.

KING'S COLLEGE of Aberdeen *against* EARL of NORTHESK.

PRESCRIPTION runs against colleges and universities, since the act touching prescription makes no exceptions.

No 348.

*Fol. Dic. v. 2. p. 122. Stair, Gosford.*

\*\*\* This case is No .63 p. 7230.

1695. December 19.

THOMAS FISHER and the ADMINISTRATORS of HERIOT'S HOSPITAL *against* HEBBURN.

THE LORDS having found, upon the 29th December 1691\*, that Heriot's Hospital, being founded for orphans and minors, prescription could not run against them, they now reponed the other party against this interlocutor, there being as yet no definitive sentence in the cause to make a *res judicata*; and found, that the minority, sufficient to elide prescription, was only that species of minority, that runs out and terminates at the age of 21, which is not the case of Heriot's Hospital (nor indeed of any *orphanotrophium*) which never expires, the boys being always turned out at their age of 16, whereby it is a succession of perpetual minors; and found this Hospital not within the exception of the act of Parliament 1617, touching prescription, which is *stricti juris*, and not to be extended, especially *ad casus insolitos et incogitatos*.

No 349.

*Fol. Dic. v. 2. p. 122. Fountainhall.*

\*\*\* This case is No 82. p. 10786.

1701. July 11. LADY EDINGLASSIE *against* LD of POWRIE.

THE act 13th parl. 1617, does not expressly except minority from the vicennial prescription of a service as heir; yet found, that it must be deducted from the 20 years of prescription.

No 350.

*Fol. Dic. v. 2. p. 122. Fountainhall.*

\*\*\* This case is No 186. p. 10987.

1707. December 9.

The MAGISTRATES of Aberdeen, and Others, *against* JOHN IRVINE of Kincaussie.

THE Magistrates of Aberdeen, and Others, standing infest as patrons and administrators of the salmon fishing of the barony of Murtle, on the north

No 351.  
Prescription found to run against a mortification for maintaining bursars.

\* See Stair, B. 2. Tit. 12. § 18.