

No 355.

*Answered*, That all rights competent to minors were saved to them by the statute; and it was only in competition with arresters, or other assignations intimated, that an unintimated assignation was defective.

"THE LORDS found, that there was sufficient presumptive evidence of the minority of Thomas Smith; and repelled the objection, that the assignation was not intimated."

Reporter, *Justice-Clerk*. Act. *A. Macdouall*. Alt. *C. Binning*. Clerk, *Gibson*.  
*Fol. Dic. v. 4. p. 111. D. Falconer, v. 1. No 122. p. 150.*

\* \* See further in this cause 30th July 1746, *voce* PRESUMPTION.

1747. *January 20.* LADY INVERAW *against* The EARL of BREADALBANE.

No 356.

The minority of one or more creditors only interrupts the prescription of the interest that was in the minor.

WHERE a pursuer's minority was pleaded for eliding prescription of a moveable debt, it was *answered*, That during part of the time in which the pursuer was minor, she had brothers and sisters who had an equal interest with her in the debt pursued for; and though they were now all dead without having made up titles, whereby the right to the whole had devolved upon the pursuer; yet as the brothers and sisters, who were in the right of apparency while they lived, were majors, and that the years of prescription expired before their death, the same was effectual as to their proportions of the debt.

THE LORDS sustained the answer, and found, "That the minority of the pursuer did only save the interest that was in her during her minority."

*Fol. Dis. v. 4. p. 111. Kilkerran, (PRESCRIPTION.) No 12. p. 421.*

1754. *December 6.*

Captain HAMILTON BLAIR *against* ROBERT SHEDDEN and Others,  
Feuers of Kerseland.

No 357.

Minority is deducted from the years of the positive prescription of real rights.

THE question between the parties was, Whether, in computing the positive prescription of real rights, the years of minority are to be deducted?

*Pleaded* for Shedden and others, That the years of minority are not to be deducted appears from the reasons following:

*1mo*, According to the latter feudal system, land could only be conveyed by writing. If the vassal could not produce titles in writing, connecting him with the superior, the land returned to the superior. Hence a multitude of titles was necessary, their number must have increased daily, and they might often chance to be lost or mislaid. To remedy these inconveniencies, the act 214. Parl. 14. Ja. VI. 1594, dispensed with the production of many of these titles