

No 423.

*Replied* ; These processes mention no annuity ; and they might have been raised for some other cause, even for the tenants' proper debt. Again, they are in a factor's name, and no factory produced.

THE LORDS repelled these interruptions, unless they were adminiculate to have had relation to the annuity.

*Harcarse*, (PRESCRIPTION.) No 770. p. 219.

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No 424.

1686. *February*.Mr THOMAS SKENE *against* Sir JOHN CAMPBELL.

A DEBTOR's promise to pay annualrent of his bond found to be interruption, though payment was not made within 40 years.

*Fol. Dic. v. 2. p. 128. Harcarse*, (PRESCRIPTION.) No 774. p. 220.

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1687. *June*.PITTEDIE *against* RAMORNIE.

No 425.

LANDS dispoed by a minor being apprised from the buyer, and the appriser infest, and in possession, the minor *intra quadriennium utile* revoked, and raised reduction, wherein he called the buyer only ; yet this summons of reduction was sustained as interruption *contra* the appriser.

*Harcarse*, (PRESCRIPTION.) No 777. p. 220.

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1688. *June 13*.FEUARS of GAITMILK-MILL *against* FEUARS of DUNFERMLINE ; *viz.* COUNTESS of ROTHES, LADY KINGLASSIE, &c.

No 426.

In a declarator of the immunity of bear sold, and not ground from a thirlage of *grana crescentia omnium terrarum* ;

*Alleged* for the defender ; That the pursuer must prove *positive*, that, for the space of 40 years, &c. regularly and openly, the bear was sold without any multure exacted, and not barely *negative*, that the multure of any bear sold was not exacted, seeing the thirlage was constituted *scripto* ; although such a negative probation were sufficient to hinder or take off a constitution of thirlage by prescription ; *2do*, The possession of any species of grain constitute *scripto* ought to preserve and interrupt.

THE LORDS sustained the first allegiance for the defender, and probation as to the immunity being only negative, they assoilzied from the declarator, and