

as did also the decisions in that of Leslie Johnston of Knockhill, and in that of Sir Samuel Maclellan's children. (See Div. 12. *b. t.*) Accordingly,

No 177.

THE LORDS altered their former interlocutor, and found, That the years of George-Alexander Gordon's minority were not to be deducted from the years of prescription.

Reporters, *Lords Alva and Henderland.* For the Heir of Entail, *Solicitor-General Blair.*

Alt. *Lord Advocate, Maclaurin, Honyman.* Clerk, *Robertson.*

S.

Fol. Dic. v. 4. p. 99. Fac. Col. No 187. p. 293.

1792. *January 31.* CREDITORS OF AUCHINDACHY *against* ISAAC GRANT.

No 178.

ALEXANDER AUCHINDACHY was first heir of entail under a deed executed by his father, and his sister was the next.

Years of minority of substitutes not to be deducted.

He made up titles, however, as unlimited fiar, on which he possessed the estate for the period of prescription.

During a part of this time, his sister, the person in immediate substitution, was minor; and it came to be objected to his prescriptive right, That the years of her minority ought to be deducted. But the Court, as in the case of Gordon *contra* Gordon, *supra*, and in other prior ones there quoted, considering, that in this way prescription could scarcely ever have effect against entails, as some of the substitutes would probably be always in minority,

Found that the years of the minority of the substitute were not to be deducted.

Act. *Wolfe-Murray.*

Alt. *G. Fergusson.*

Clerk, *Menzies.*

S.

Fol. Dic. v. 4. p. 99. Fac. Col. No 201. p. 423.

* * * This case was appealed :

THE HOUSE OF LORDS ORDERED and ADJUDGED, That the appeal be dismissed, and the interlocutors complained of be affirmed.