

No 396. the month was blank wherein it was subscribed, it was interpreted against the debtor, as if it had been made the last day of the year 1590.

*Spottiswood, (DE PRÆSCRIPTIONE & USUCAPIONE.) p. 237.*

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1634. *March 18.*

SLOWAN *against* SIMPSON.

No 397.

PRESCRIPTION of 40 years being *objected* against a bond, and it being *answered*, Not so long from the term of payment; it was found, That the running of a bond is from the date thereof, and not from the term of payment.

*Spottiswood, (DE PRÆSCRIPTIONE & USUCAPIONE.) p. 235.*

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1671. *June 30.*

BEADMEN of Magdalene Chapel *against* DRYSDALE.

No 398.

In the long prescription of forty years, the *tempus continuum* is counted, not the *tempus utile*.

*Fol. Dic. v. 2. p. 126. Stair.*

\* \* \* This case is No 347. p. 11148.

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1687. *February.*

CLAVERHOUSE *against* LIN of Largo.

No 399.

FOUND that when a decret is pronounced, though it be stopped, and then lie over for seven years, there needed no wakening by a new citation, as appointed by the late act of prescription; because *lis est sopita* by the decret.

*Harcarse, (PRESCRIPTION.) No 775. p. 220.*

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1746. *June 5.*

MEMORIAL for the CLERK of the REGISTER of HORNINGs to THE LORDS OF SESSION.

No 400.

A HORNING denounced within the year after the charge, and offered to the Register within fifteen days after the denunciation, has been by the constant practice registered.

There is now one presented, the charge is given the 11th, 17th, and 25th days of October, 5th, 7th, 26th, 27th, 28th, and 30th days of November 1744. It is denounced the 3d day of June 1746.

An act of Parliament passed in the present Session, enacts, "That the time and space betwixt the 16th of September 1745 and the 1st of June 1746, should not be reckoned in any short prescription."