

No 172. 1789. June 16. M'DONALD against ———.

IN general lesion is presumed when a minor borrows money, and it is therefore incumbent on the lender to prove, that it was *in rem versa*; but the Court thought, that where a minor carries on a trade, or exercises a profession, lesion is not presumed, but must be proved by the minor.

It was found in the same case, that the minor, though carrying on business, was privileged against prescription. See APPENDIX.

*Fol. Dic. v. 4. p. 5.*

## SECT. XI.

### *Quadrennium utile.*

1626. July 20. BARON against HARVIE.

No 173.

GEORGE BARON having recovered sentence and decret against Gilbert Harvie, grand-child, and lawfully charged to enter heir to his umquhile grandfather, Robert Watson; Harvie raised suspension, and also intented reduction of that decret, as being given for non-compearance, and because he was minor the time of the giving of it, whereby he is much hurt by making him heir to his grandfather, of whom he had no benefit, and therefore he should be restored *in integrum, rebus adhuc salvis et integris*. Excepted, That his reduction was not intented *intra annos utiles*, and so not *debito tempore*, he being past twenty-five years. Replied, That he did it so soon as it came to his knowledge. THE LORDS sustained the summons, and reponed him yet to produce a lawful renunciation, *cum non sese immiscuisset bonis avitis*, neither had any thing followed upon that decret, neither comprising or poinding.

*Fol. Dic. v. 1. p. 586. Spottiswood, (RESTITUTIO IN INTEGRUM.) p. 299.*

\* \* \* Durie reports this case.

IN a reduction pursued at the instance of one Harvie against George Baron of Kinaird, who had recovered decret against the said Harvie, as lawfully charged to enter heir to his umquhile goodsir on the mother's side, viz. one Watson, who was obliged to relieve the said George Baron's father of some monies, which his said umquhile father had paid as cautioner for the said Watson, to the said Watson's creditor; this decret for repayment of the said sums being so recovered at the instance of the said George Baron, against the said Gilbert Har-