

S E C T. XIV.

Minority and Lesion how Proponable.

1566. February 5.

CURRIE against LAIRD of GLENBERVIE.

IN an action pursewed be Walter Currie against the Laird of Glenbervie, for giving to him ane precept of sasine, according to ane charter, which the said Laird's father had given to Walter Currie's father; Glenbervie *objected*, That he was minor, being in the land the time of the giving of the said charter, and had revoked the same in due time. It was *replied*, That the charter should stand while it be reduced, nor that nullity could come in be way of exception. THE LORDS admitted the pursewar's allegiance, in respect of the reply, and discerned ane precept of sasine to be given, notwithstanding the defender's allegiance.

Fol. Dic. v. 1. p. 175. Maitland, MS. p. 227.

1606. February 6.

COCKBURN against WOOD.

COCKBURN in Haddington, son and heir of umquhile James Cockburn, provost of Haddington, pursued one Wode for an annualrent, or for the mails of a house wherein he was infeft. It was *excepted*, That the defender should be assoilzied, because, if any infeftment, the pursuer or his umquhile father had, the same was redeemable, and was redeemed from this pursuer and his tutor, who renounced the same. It was *answered*, That a voluntary redemption granted by his tutor in his pupillarity could not prejudice the pursuer, unless decret of redemption had been orderly obtained; specially the pursuer being hurt, the sums alleged given for the said redemption not being employed to his utility and use. It was *answered*, That that lesion could not come in by way of reply, and he behoved to call his tutor for that lesion. In respect whereof, the LORDS found the summons not relevant, but in favour of the minor, gave him leave to mend his summons and qualify the lesion therein.

Fol. Dic. v. 1. p. 175. Haddington, MS. No 995.

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No 61.

A charter having been granted to a vassal, during the superior's minority, and this deed revoked in due time; yet the vassal pursuing afterwards for a sasine upon his charter, the Lords found the defence of minority and revocation not relevant *hoc loco*, and that the charter ought to stand till it be reduced.

No 62.

A minor pursuing for the mails of a tenement, it was excepted that the said tenement was redeemed, and a renunciation granted by his tutor. The minor's reply, that no declarator of redemption was obtained, and that himself was lesed, because the price was not employed to his utility, found not receivable *hoc loco*, but that it behoved to be libelled.