answered to this, ' quod tempus quadriennii non currit contra minorem nisi ' quando utitur privilegio et extraordinario auxilio,' and so the minor or his assignee could never here be debarred from the pursuit of his action more than he were any other person. THE LORDS repelled the exception, and found that the minor had place here to make an assignee, notwithstanding of his taciturnity *per longum temporis spatium.* No 99.

Fol. Dic. v. 1. *p* 579. *Colvil, MS.p.* 395.

1587. *February.* HAMILTONS *against* HAMILTON.

No 100.
A bond granted by a minor without consent of curators, found *ipso jure* null; and, therefore, though no revocation was made *intra annos utiles*, the Court found, that he might still object to it.

MARGARET, Jeillis and Janet Hamiltons, daughters natural to umquhile John Hamilton, pursued John Hamilton, their brother, to hear and see a bond registered, wherein the said John being *minor annis*, was bound and obliged, with consent of his curator, to give to either of his sisters the fee of 500 merks. It was *alleged* against the registration of the same, that it was null of the law, and therefore ought not to be registered, because it was done the time of his minority without consent of his curators, ' ut in L. 3. Cod. De in integrum re-' stitutione minorum.' *Answered*, That they could not allege the nullity, because *lapso utili quadriennio. Answered*, That he needed not to make any revocation in respect of the foresaid law; and so was found by the LORDS.

Fol. Dic. v. 1. *p.* 579. *Colvil, MS. p.* 423.

1630. *February* 2. HAMILTON *against* SHARP, and Others.

No 101.
A reduction was pursued by a minor's successor, of an alienation made by the minor and his curator without the sentence of a judge. The Lords refused to sustain this reason of reduction, unless the pursuer would also allege lesion; and found also that this ought to be pursued within the *quadriennium utile.*

SIR JOHN HAMILTON intents a reduction against Mr John Sharp, John Inglis, and one Armour, for reducing at his instance as proprietor of the lands of Bargany, an infeftment public, anterior to his right of annualrent of L. 1000 out of these lands, granted to the Lord Ochiltree by the Laird of Bargany, and Josias Stuart his curator, for the cause expressed in the said infeftment. The reason was the minority of the disponer, and want of authority of the Judge Ordinary, viz. the Lords of Session, finding upon trial the alienation necessary, and for the good of the minor. Which reason the pursuer *alleged* to be relevant *quocunque tempore*, as well *post annos utiles minoris* as within the same, whenever it were pursued to reduce such alienations; and that as it was enough to the minor himself after the expiring of these years after his minority, so to his successors, to reduce upon that ground of wanting of a sentence of a Judge, albeit he qualified no lesion done thereby to the minor, seeing he alleged it to be a nullity of the law, and that the deed being null of the law, as is evident by the civil law *de alienationibus prædiorum minoris*, and that this case was different from the restitution of minors upon lesion, which requires pursuit to

No 101. be made within four years after minority. THE LORDS would not sustain this reason, except the pursuer joined therewith lesion; and also found, that the same ought to be pursued within four years after the minority, as is appointed by the 'L. 3. Si quando Cod. Si major factus alienationem factam sine decreto 'ratam habuerit, quæ est tit. 74. lib. 5. Cod.' and because the pursuer condescended in his reason upon lesion, and that he *replied*, that the minor himself had revocked *debite tempore*, and intented his action of reduction of that alienation; therefore this reply was sustained to interrupt the prescription, and it was found, it being so interrupted once by the minor himself, the singular successor might *de novo* intent this new action of nullity, without necessity to insist upon that prior reduction. *See* PERSONAL AND TRANSMISSIBLE.

Act. *Stuart.* Alt. *Nicolson.* Clerk, *Gibson.*

Fol. Dic. v. 1. *p.* 579. *Durie, p.* 488.

No 102. 1631. *July* 21. EARL of KINGHORN *against* GEORGE STRANG.

IF a tutor make disposition of a minor's heritage, either in his infancy or with his consent, and the buyer obtained possession upon his infeftment, the same cannot be taken away by exception, but by action of reduction or restitution.

Fol. Dic. v. 1. *p.* 579. *Auchinleck, MS. p.* 135.

No 103. 1666. *July* 26. M'KENZIE *against* FAIRHOLM.

A BOND granted by a minor as cautioner for his father, found null, and that the *quadriennium utile* being elapsed, did not bar reduction.

Fol. Dic. v. 1. *p.* 579. *Dirleton. Stair.*

*** This case is No 72. p. 8959.

*** See 24th February 1672, Corsar against Deans, No 60. p. 8944.

No 104. Although the lands of a pupil may not be alienated without authority of a judge, those of a minor may. 1666. *December* 13. THOMSON *against* STEVENSON.

JANET THOMSON pursues a reduction of a disposition made by her to Stevenson upon minority and lesion; and also upon this reason, that the disposition was done within some few days after her pupillarity, and it being of land, ought not to have been done without authority of a Judge, especially seeing she had no curators. The defender *answered* to the *first*, There was no lesion,