

S E C T. VI.

Deeds in minority when *ipso jure* null, when requiring a *restitutio in integrum*.

1543. March 4. GLENTORIS against KIRKPATRICK.

No 94.
Alienation of
lands made
by a minor,
sine decreto,
cannot be re-
duced *elapso*
quinquennio
post majorem
ætatem.

ONE John Glentoris annalized certain lands within his less age to the Laird of Kirkpatrick, *sine decreto judicis*, wherefore N. Glentoris *hæres Joannis* called the said Laird to hear that alienation decerned to be reduced and declared null of the law, for the causes foresaid, *juxta rub. et tit. C. De prædiis et aliis rebus sine decreto*. THE LORDS, 'ex deducto coram eos judicio,' understanding that the said John had not moved, 'causam nullitatis infra quinquennium post perfectam suam ætatem 21 annorum,' repelled the actor in this cause, 'ab hac actione, per L. 3. Cod. Si major factus alienationem, &c. Qui habet quod de nullitate contractum per minorem sine decreto judicis factum, lapso post perfectam ætatem illius quinquennio, non auditur ipse postea agere; videtur ex taciturnitate tanti temporis contractum ratificasse.'

Fol. Dic. v. 1. p. 579. Sinclair, MS. p. 47.

156^r. March 6. GRUNDISTON against LAWSON.

No 95.
Found as a-
bove.

IN the action and cause pursued by David Grundiston against James Lawson, for reduction of an infestment of a tenement of land lying in the town of Cupar of Fife, made by the said David to the said James, it was *alleged* by the said David, That when he analized the said lands, he was within the age of 14 years, or thereby, and therefore the said alienation was null in itself, and ought to be reduced, and all that followed thereupon. It was *answered* by the said James, That the said David was above the age of 14 years when he made the said alienation, and never made revocation thereof when he came to perfect age given to him of the law for revocation of any thing done by him in his minority, and so he being past the perfect age, together with his four years before the raising of the said summons and intenting of the said plea of reduction, he might never come against the said alienation; which allegiance of the defender's was found relevant by the LORDS, and given to his probation.

Fol. Dic. v. 1. p. 579. Maitland, MS. p. 133.