

- No. 40. him, was a sufficient title, to quarrel and reduce Athol's apprising and infeftment following thereupon, on relevant reasons, as accords of the law, seeing a general service is a good title, to remove all impediments for a special service, which could not proceed, till they were reduced, or improved.

Stair, v. 2. p. 870.

1683. *February.*

CATHARINE SMITH *against* JAMES HAMILTON and His SPOUSE.

- No. 41. Found that an apprising, with a charge against the superior, though no infeftment followed, is a title of reduction, though it be not a sufficient title of removing; nor was it here considered if the apprising was expired or not.

Harcarse, No. 536. p. 149.

1683. *November 10.* DUNDAS *against* WALLACE.

- No. 42. A naked adjudication without a charge, though a sufficient title in an improbation, is not sustained to call for production in order to reduction of any real rights, but only of personal rights where infeftment has not followed.

Fol. Dic. v. 2. p. 471. Count. Harcarse. Sir P. Home.

* * This case is No. 57. p. 13283. *voce* QUOD AB INITIO VITIOSUM.

* * The same found 13th July, 1688, Burnside *against* Crawford, No. 146. p. 12058. *voce* PROCESS.

1685. *February 27.* HERBERTSON *against* THOMAS STUART.

- No. 43. Found that creditors of a minor might *intra annos utiles* intent reduction of deeds done by their debtor to his lesion in his minority, though he did not concur and revoke; that is, personal creditors might reduce personal rights granted by their minor debtor; and creditors, by real diligence against a minor's lands upon debts constituted against him, might quarrel his disposition of these lands.

Harcarse, No. 715. p. 202.