who therefore got only decreets *cognitionis causa*. Both obtained adjudications, and the first on their constitutions included these lands of Clyne, wherein the infant is apparent-heir. The heir raised reduction, and produced a renunciation, and Tinwald, (now Justice-Clerk) reduced, except as to the lands whereof the father was three years in possession;—and he reclaimed to us; and we restored him, and sustained the adjudications only as if they were *cognitionis causa*. But this was reversed in Parliament, and the Ordinary's interlocutor affirmed.

MINOR NON TENETUR PLACITARE.

No. 1. 1735, Feb. 5. INVERCAULD *against* FARQUHARSON.

THE Lords found that the defender had the privilege, *minor non tenetur placitare*, with regard to Reinlivig as well as Stronine, in so far as the defender's right by his original feu charter goes upon the lands of Stronine; but we found that that right was only a right of servitude and could not hinder the pursuer from declaring the property notwithstanding of Kirie of Gogar's tolerance, which was only personal.

No. 2. 1744, June 26. DOUGLAS *against* ANDREW INGLIS.

PATRICK INGLIS was infeft on his father's disposition held base, (the father having as was said no other right than adjudication,) and having gone to the West Indies contracted to his elder brother a debt of L.550, and granted him an heritable bond, and also granted him a factory, and died in the West Indies, worth (as was said) upwards of L.2000, leaving an infant son. During his life Inglis uplifted the rents upon the factory, but after his death uplifted upon the assignation to maills and duties. Douglas of Houseside pretending to be superior, and also to have a right of reversion, raised reduction and improbation, declarator on non-entry, and of redemption; and the infant son pleaded his minority, and that *non tenetur placitare*; which we sustained on the 15th as to reduction, but repelled it as to non-entry. A reclaiming bill was presented against the first part, for that the minor was not in possession, which we this day refused and adhered.

No. 3. 1749, (Jan.) Feb. 13. KATHARINE CRAIG *against* STRANG.

AN improper wadset being attended with an irritancy if not redeemed in 1701, the wadsetter got into possession in 1705. The reverser pursued a redemption against the heir of the wadsetter a minor who pleaded, not redeemable, 2dly, *minor non tenetur*. The Ordinary repelled the last, but was to hear them on the other. On a reclaiming bill we thought that the right being *ex facie* irredeemable, the minor had the privilege, and at the Ordinary's desire we remitted back to him, who altered his interlocutor, and on a reclaiming bill 24th June 1748 we adhered;—and 13th January 1749 again adhered.