

## MINOR NON TENETUR, &c.

### SECT. I.

In what cases the privilege competent.

1541. March 22.

LINDSAY against CHEYNES.

KATHARINE N. and William Lindsay her spouse *pro suo interesse*, called Alexander, William, and James Cheynes, to hear their infeftment and sasine of a tenement within Edinburgh, made to them *pro indiviso* by resignation of one James Young notary public, in one of the Bailie's hands of Edinburgh, to be reduced for certain causes, as the summons contained. The said bairns' procurator, Mr James M'Gill, excepted, That two of them were *intra minorem etatem*, and so *de jure regni non tenebantur placitare super hereditate*; and, because they three were in the said tenement *pro indiviso*, no process should, nor might be led against them. Which allegiance the LORDS, by interlocutor, found relevant, and so decerned to prove *minorem etatem*.

*Fol. Dic. v. 1. p. 588. Sinclair, MS. p. 20.*

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The Lords found, that not only minor *non tenetur* when he brooks *pro indiviso* with a major, but in that case even the major is not obliged to answer.

1546.

HAMILTON against The Laird of GASTON.

JAMES HAMILTON, son and heir to umquhile Sir James Hamilton of Finart, pursued the Laird of Gaston to produce an infeftment granted to his father by King James V. of certain lands through the forfeiture of umquhile Sir James

No 2.