

1683. November. JAMES HAY against HUGH BUNTEIN.

No 180.

ONE pursued upon his bond *alleged* and offered to prove he was minor and lesed when he granted the same, and he had revoked and raised reduction *debito tempore*.

*Answered* for the pursuer; That the defender's allegiance of minority is caluminous, as appears by his father's book, wherein the time of his birth is set down, according to which the defender was five or six days past his minority at his subscribing of the bond; nor can he deny but the book is the hand-writing of his father, who died many years ago.

THE LORDS allowed a conjunct probation of the defender's age, and declared they would consider at advising the import of the father's book.

*Harcarse, (MINORITY.) No 710. p. 201.*

1685. January. A. against B.

No 181.

THE LORDS sustained a minor's revocation *intra annos utiles*, and suspension of a bond granted by him, as equivalent to a reduction.

*Fol. Dic. v. 1. p. 586. Harcarse, (MINORITY.) No 712. p. 202.*

1687. November 8. BELSHES of Tofts against CALDERWOOD of Pittedie.

No 182.

A PERSON having *intra annos utiles* raised revocation and reduction of a disposition against the receiver, without calling the party who had acquired the lands from him, and was in possession, he thereafter commenced a reduction of the singular successor's right *in consequentiam*.

*Alleged* for the defender; That he not being called in the first reduction, the reduction was not competent against him, now that the *anni utiles* are expired.

*Answered* for the pursuer; The interruption of the prescription of the *quadriennium* by the first reduction must be effectual against all pretending interest in the right craved thereby to be reduced. And the defender's absence from that process put him only in a condition to allege against the revocation and reduction what he could have said if then called and compearing.

"THE LORDS sustained the pursuer's answer relevant."

*Harcarse, (MINORITY.) No 718. p. 203.*