

No 40. that the Lords had so decided an action of reduction pursued by the Laird of Polmais against the Laird of Redsall, for non-production of the infeftments pertaining to the Laird of Stramerie who was his author, because Stramerie's heirs were not called. THE LORDS ordained the parties to produce the practicks; and because the pursuer produced no practick, the LORDS sustained the matter to rest undecided, and thought meet that they should summon Lesly by a prillieged summons.

*Fol. Dic. v. 1. p. 589. Haddington, MS. No 1287.*

No 41.

In recognitions the maxim *minor non tenetur* is not receivable.

1609. February 22. HEPBURN against YULE.

IN the action of recognition pursued by Sir Robert Hepburn against Yule, the LORDS found, that the minority of the defender could be no stay to the recognition; because albeit *minor non tenetur placitare super hereditate*, that it is only understood in reduction of his infeftment in default of his right *in placito de recto*; but the recognition quarrels not the validity of his right, but urges that his right may be declared amitted for his fault or his predecessor's.

*Fol. Dic. v. 1. p. 590. Haddington, MS. No 1571.*

No 42.

1610. March. LORD SANQUHAR against LAIRD OF JOHNSTON.

IN improbations a minor must produce, or else certification will be granted against him, and the exception *quod minor non tenetur placitare super hereditate* is not received against improbation *ne pereat modus improbandi*.

*Fol. Dic. v. 1. p. 589. Haddington, MS. No 1838.*

No 43.

1613. June 25. LORD MADDERTY against VASSALS.

A SUPERIOR pursued the heir of his feuer for reduction of his feu charter 'propter non solutum canonem,' according to the provision and clause irritant in the feu-charter, and the defender being minor, and *alleging quod non tenetur placitare super hereditate* his exception will be repelled against the exhibition.

*Fol. Dic. v. 1. p. 590. Haddington, MS. No 2530.*

No 44.

1624. November 19. LORD INCHAFFRAY against MITCHELL.

IN an action of reduction of a feu upon the clause irritant, pursued by my Lord Inchaffray *contra* one Mitchell, the LORDS found that a minor *tenetur pla-*