

from Fredret to Gight, likewise *à se*, not confirmed; and so both null: and Fredret's right to Gight is burdened with his relief of Gight's cautionary.

The pursuer REPLIED, That his reason of reduction stands most relevant; and there is no respect to be had to Aboyn's right; because it is purchased during the dependence of the reduction *in re litigiosa*: And, as for the security now offered, it is abundantly sufficient:—*1mo.* Because the lands provided to Pitt-
richie have been bruiked by him and his predecessors fourscore years, by a wad-
set; and so the property is fully secured by prescription. *2do.* The infeftment
upon the recognition holden of the king, carries the whole right of these lands;
and, if the recognition should be quarrelled, the wadset would stand firm; and
the superiority and reversion, belonging to Gight, is conveyed by the expired
apprising, whereby the apprisers were infeft by the king: And their charter to
Fredret, and Fredret's to Gight, having both infeftments, and to be holden of
the king, with a charter by Gight to Pittrichie, or Aboyn, likewise to be holden
of the king, may be all confirmed by one charter of confirmation; which may be
presently passed in Exchequer.

The Lords found the oath and allegiance for Gight, relevant to repone him
against the certification of the declarator of nullity; but adhered to their for-
mer interlocutor as to the mails and duties, before performance of the minute,
that they belong to Pittrichie by virtue of his infeftment or recognition: and
reponed him only on these terms,—disponing with absolute warrandice, and giv-
ing real warrandice for relief of Fredret's cautionary.

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1676. *July 5.* SAMUEL CHIESLY *against* EDGAR of WEDDERLY.

SAMUEL Chiesly having charged Edgar of Wedderly for payment of 800
merks, for which he became obliged for his brother, as apprentice-fee; he sus-
pended, and raised reduction upon minority and lesion.

It was ANSWERED, No lesion; because the pursuer hath a natural obligation
to aliment his brother-german. *2do.* He represents his father in a considerable
estate, who was obliged to aliment his children; and which the Lords have
often extended to heirs having a considerable estate, during the minority of the
children, so long as they were unable to entertain themselves, and accordingly,
modified 50 merks of aliment to the same apprentice: And, seeing his appren-
tice-fee hath liberated his brother of five years' aliment when he was older, the
same ought to be sustained.

The Lords modified 100 merks yearly, for the five years' apprenticeship; but
would allow no annualrent thereof, although in the indenture; but, in place of
the same, 50 merks of expenses.

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1676. *July 8.* FRANCIS MONTGOMERY *against* The TENANTS of BAGLILLIE.

MR Francis Montgomery having pursued a number of tenants for mails and