

1628. *March 13.* GRAHAM *against* SYMES.

By contract of marriage, the husband obliges him to acquire annualrents, and take to himself and his wife; notwithstanding, he lends out divers sums to debtors, and takes them obliged, by their bonds, to pay the sums to his bairns, *nominatim*. After his decease, his wife pursues his heir, and the same bairns whose names were inserted in the bond as executors to their father, to hear and see the annualrents of the said sums decerned to pertain to her during her lifetime, conform to her contract of marriage. The Lords found, That the bairns might not be pursued but in so far as they were executors *secundum inventarium*, and not as being provided and constituted creditors in the bond. But the relict had action for the rest against the heir.

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1628. *March 13.* LORD YESTER *against* TENANTS OF PRESTOUN.

It is not time to propone allegeances against the relevancy of the summons, after litiscontestation, although the defenders compeared not while litiscontestation was past; but the Lords would consider of the relevancy thereof at the advising of the process.

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1628. *March 13.* SIR WILLIAM BALLANTYNE *against* KING.

SIR William Ballantyne of Burghtoun intents a reduction of a contract made betwixt his father, being minor, and umquhile Alexander King, *ex capite minoritatis*, in so far as his father died before he was 25 years of age complete, *viz.* being twenty-four years and two months, within which space he had place to crave restitution; and Sir William, being now but 23 years of age, has place to revoke and reduce the said contract, *ex eodem capite*. It was excepted against this reason of reduction, That, seeing his father wanted but 10 months of the age of 25 years, no more can be granted to the said Sir William, but the space of 10 months after his perfect age, within which time he had liberty to revoke his father's deeds, or otherwise his action of reduction prescribed. Which exception the Lords found relevant.

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1628. *March 18.* ——— *against* ———.

A MINOR [*tutor* in M.S.] may compel the curators to concur in the administration of their office, or else to renounce.

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